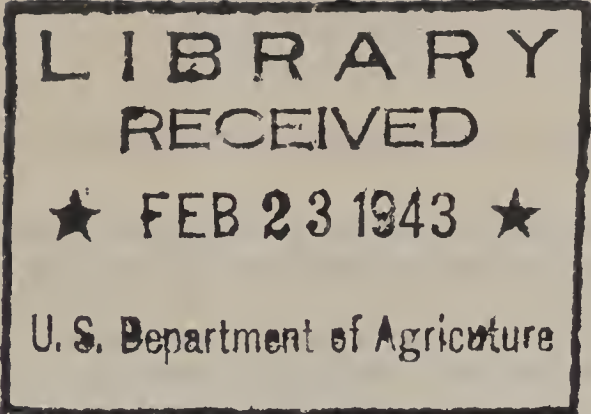


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FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG,  
AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

2826—3000

FOODS

The cases reported herewith were instituted in the United States District Courts by the United States attorneys acting upon reports submitted by direction of the Federal Security Administrator.

WATSON B. MILLER, *Acting Administrator, Federal Security Agency.*

WASHINGTON, D. C., *September 1, 1942.*

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BEVERAGES AND BEVERAGE MATERIALS

**2826. Misbranding of canned coffee. U. S. v. 10 Cases of Coffee. Default decree of condemnation and destruction. (F. D. C. No. 6091. Sample No. 61791-E.)**

This product was short of the declared volume.

On October 28, 1941, the United States attorney for the District of Oregon filed a libel against 10 cases of canned coffee at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about April 23, 1941, by the Hotcan Corporation from Los Angeles, Calif.; and charging that it was misbranded. It was labeled in part: (Cans) "Hotcan 'It heats Itself' \* \* \* Coffee Ready to Drink \* \* \* Net Contents of Product 1 Pt. 6 Fl. Oz."

The article was alleged to be misbranded in that the statement "Net Contents of Product 1 Pt. 6 Fl. Oz." was false and misleading since the cans contained a



smaller amount. It was alleged to be misbranded further in that it was a food in package form and did not bear a label containing an accurate statement of the quantity of the contents.

On December 16, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2827. Adulteration and misbranding of lemon flavor crystals. U. S. v. 3 Cartons of Lemon Flavor Crystals. Default decree of condemnation and destruction. (F. D. C. No. 6127. Sample No. 42760-E.)**

Examination showed that this product, which purported to be dehydrated lemon juice, was an imitation lemon juice base.

On November 3, 1941, the United States attorney for the Western District of Pennsylvania filed a libel against 3 cartons, each containing 48 bottles, of lemon flavor crystals at Erie, Pa., alleging that the article had been shipped on or about August 18, 1941, by General Fruit Products Co., Inc., from Point Pleasant, N. J.; and charging that it was adulterated and misbranded. It was labeled in part: (Bottles) "Cramores Lemon flavor Crystals for Instant Juice."

The article was alleged to be adulterated in that a substance, namely, an imitation lemon juice base, had been substituted for dehydrated lemon juice.

It was alleged to be misbranded (1) in that the following statements, "Instant Juice \* \* \* Use wherever fresh lemons are used. \* \* \* These Crystals solve your 'Juice' problem the year 'round. \* \* \* Use in place of squeezed lemon juice for delicious Lemon Drinks, Mixed Drinks, Collinses, Sherbets, Pastries, French Dressing, Mayonnaise, Frostings, Flavorings, Iced and Hot Tea, Cakes, Etc. \* \* \* Use one level teaspoon Crystals \* \* \* in place of each lemon called for in any recipe. \* \* \* one gallon of juice \* \* \* 'Juice' is then ready to use in same manner and quantities as fresh squeezed lemon juice," were false and misleading since they created the impression that the article with the addition of water would make lemon juice; and (2) in that it was an imitation of another food and its label failed to bear in type of uniform size and prominence the word "imitation" and immediately thereafter the name of the food imitated.

On December 11, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2828. Adulteration and misbranding of flavoring sirups. U. S. v. 11 Bottles, 6 Bottles, 36 Bottles, and 12 Bottles of Sirups. Default decree of condemnation and destruction. (F. D. C. No. 3537. Sample Nos. 46008-E to 46011-E, incl.)**

Three of these sirups were imitation cherry, grape, and vanilla sirups containing artificial color and flavor and the fourth was a sugar solution containing skimmed milk and a cacao product, probably cocoa, labeled as "Milk Chocolate Flavor Syrup."

On December 18, 1940, the United States attorney for the District of New Jersey filed a libel against 65 bottles of sirups at Bayonne, N. J., alleging that the articles had been shipped on or about October 25 and November 8, 1940, by Well Maid Products Co. from New York, N. Y.; and charging that they were adulterated and misbranded. They were labeled in part: "Cherry [or "Grape," "Milk Chocolate," or "Vanilla"] Flavor Syrup \* \* \* Colonial-Maid Fruits and Syrups \* \* \* Manufactured For Colonial Candy Co. \* \* \* Bayonne, N. J."

The articles were alleged to be adulterated: (1) (Cherry and grape flavor sirups) In that artificially colored and flavored sugar solutions with added citric acid, containing little, if any, fruit juice, had been substituted wholly or in part for Compound Cherry Flavor Syrup and Grape Flavor Syrup, which they purported to be. (2) (Milk chocolate flavor sirup) In that a heavy sugar solution containing some skimmed milk and a cacao product, probably cocoa, had been substituted wholly or in part for Milk Chocolate Flavor Syrup, which it purported to be. (3) (Vanilla flavor sirup) In that an artificially colored and flavored sugar solution containing little, if any, vanilla extract, had been substituted wholly or in part for Compound Vanilla Flavor Syrup, which it purported to be. (4) (Cherry, grape, and vanilla flavor sirups) In that inferiority had been concealed by the use of artificial color and flavor. (5) (Cherry, grape, and vanilla flavor sirups) In that artificial color and flavor had been added thereto or mixed or packed therewith so as to reduce their quality, or make them appear better or of greater value than they were.

They were alleged to be misbranded: (1) In that the following statements were false and misleading since they were incorrect, "Compound Cherry Flavor Syrup," "Grape Flavor Syrup," "Milk Chocolate Flavor Syrup," "Compound



Vanilla Flavor Syrup Prepared with pure cane sugar, compound Vanilla extract and caramel color," and (all lots) "Fruits and Syrups Made from Choice fruits and pure cane sugar [design of fruits]." (2) (Cherry, grape, and vanilla flavor sirups) In that they were imitations of other foods and their labels failed to bear in type of uniform size and prominence the word "imitation" and immediately thereafter the name of the food imitated. (3) (Grape flavor sirup only) In that it was fabricated from two or more ingredients and failed to bear the common or usual name of each ingredient.

On April 18, 1941, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

**2829. Adulteration of Oh-My Dri-Myx. U. S. v. 5 Bags of Oh-My Dri-Myx. Default decree of condemnation and destruction. (F. D. C. No. 5295. Sample No. 42817-E.)**

Examination showed that this product contained rodent hairs and excreta, and insect fragments.

On August 5, 1941, the United States attorney for the Western District of Pennsylvania filed a libel against 5 60-pound bags of Oh-My Dri-Myx at North East, Pa., alleging that the article had been shipped on or about March 7, 1940, by Oh-My Chocolate Co. from Toledo, Ohio; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: "Oh-My Dri-Myx For Making Chocolate Products."

On August 29, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2830. Adulteration of Bo-Go-Ha-Ma Mineral Springs Water. U. S. v. 32 Jugs of Mineral Water. Default decree of condemnation and destruction. (F. D. C. No. 6191. Sample No. 49865-E.)**

Examination of this product showed that it contained coliform organisms, which indicated that it was polluted.

On November 7, 1941, the United States attorney for the Eastern District of Louisiana filed a libel against 32 gallon jugs of mineral water at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about October 20, 1941, by Stafford Mineral Springs Co. from Vosburg, Miss.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

It was also alleged to be misbranded under the provisions of the law applicable to drugs, as reported in D. D. N. J. No. 587.

On December 24, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

## CEREAL PRODUCTS

### FLOUR

**2831. Action to enjoin and restrain distribution in interstate commerce of adulterated rye flour. U. S. v. Abraham Katz, trading as A. Katz. Consent decree granting perpetual injunction. (Inj. No. 16.)**

On September 3, 1941, the United States attorney for the District of New Jersey filed a complaint against Abraham Katz, trading as A. Katz at Hightstown, N. J., alleging that from on or about December 5, 1940, to the date of filing the complaint the defendant had been preparing, milling, and packing rye flour under insanitary conditions whereby it became contaminated and filthy; that said flour, prepared and packed by the defendant, was adulterated in that it consisted in whole or in part of a filthy substance and was being offered for interstate shipment at various intervals and was being shipped in interstate commerce from Hightstown, N. J., to various points outside the State. The complaint alleged further that the defendant was continuously manufacturing, milling, and packing adulterated flour and would continue to ship such flour in interstate commerce in violation of the law unless enjoined from so doing, and prayed that a preliminary injunction be granted restraining the defendant from shipping rye flour in interstate commerce and that, after due proceedings, the preliminary injunction be made permanent.

On October 10, 1941, the defendant having consented to the entry of a decree, judgment was entered perpetually enjoining and restraining the defendant and all those acting upon his behalf from shipping in interstate commerce in violation of the law adulterated rye flour which he had manufactured or would manufacture in the future.



**2832. Adulteration of flour. U. S. v. 58 Carloads, 30 Carloads, 10 Carloads, 29 Carloads, 21 Carloads, and 12 Carloads of Flour. Consent decree of condemnation. Product ordered released under bond for salvaging. (F. D. C. Nos. 5312 to 5317, incl. Sample Nos. 47380-E to 47392-E, incl.)**

Evidence indicated that adulteration of this product occurred after shipment.

On or about August 7, 1941, the United States attorney for the Northern District of Illinois filed a libel against 160 carloads, each consisting of 560 140-pound bags, of flour at Chicago, Ill., alleging that the article had been shipped on or about April 17, 1941, 58 carloads by Montana Flour Mills Co. from Great Falls and Harlowton, Mont., 30 carloads by Shellabarger Mill & Elevator Co. from Salina, Kans., 10 carloads by William Kelly Milling Co. from Hutchinson, Kans., 29 carloads by New Era Milling Co. from Arkansas City, Kans., 21 carloads by International Milling Co. from New Prague, Minn., and 12 carloads by Bay State Milling Co. from Winona, Minn.; and charging that it was adulterated. It was labeled in part: "Sapphire \* \* \*," "Shellabarger's Peacock Flour," "Kelly's Famous Flour," "Polar Bear Flour," "Robin Hood Flour," "Wingold High Protein Flour," or "Boxer Flour."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been held under insanitary conditions whereby it might have become contaminated with filth.

On August 9, 1941, Gordon Baking Co., Chicago, Ill., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for salvaging under the supervision of the Food and Drug Administration.

**2833. Adulteration of flour. U. S. v. 46 Carloads of Flour. Consent decree of condemnation. Product ordered released under bond for salvaging. (F. D. C. No. 5347. Sample Nos. 47862-E to 47865-E, incl., 47870-E.)**

Evidence indicated that insect infestation of this product occurred after shipment.

On August 11, 1941, the United States attorney for the Eastern District of Michigan filed a libel against 46 carloads, each containing 560 140-pound bags, of flour at Detroit, Mich., alleging that 15 carloads of the article had been shipped by Montana Flour Mills Co. from Harlowton and Great Falls, Mont., 10 carloads by International Milling Co. from New Prague, Minn., 6 carloads by New Era Milling Co. from Arkansas City, Kans., 3 carloads by Wm. Kelly Milling Co. from Hutchinson, Kans., 6 carloads by Shellabarger Mill & Elevator Co. from Salina, Kans., 5 carloads by Tennant & Hoyt Co. from Lake City, Minn., and 1 carload by Bay State Milling Co. from Winona, Minn., and that it had arrived at destination within the period from on or about April 24 to on or about July 22, 1941; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Sapphire \* \* \* Flour," "Robin Hood Flour," "Polar Bear Flour," "Golden Loaf Special Short Patent Flour," "Kelly's Famous Flour," "Shellabarger's High-Protein Flour," or "Wingold High Protein Flour."

On August 12, 1941, Gordon Baking Co., Detroit, Mich., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be salvaged under the supervision of the Food and Drug Administration, the part fit for human consumption to be disposed of for such purpose and that which was unfit for human consumption to be used for technical purposes.

Nos. 2834 to 2844 report the seizure and disposition of flour that had been shipped in interstate commerce and was in interstate commerce at the time of examination, at which time it was found to be insect-infested. In most instances the time of infestation was not determined.

**2834. Adulteration of flour. U. S. v. 93 Bags, 72 Bags, 135 Bags, 35 Bags, and 63 Bags of Flour. Consent decree of condemnation ordering the product released under bond to be denatured. (F. D. C. Nos. 5876, 5877. Sample Nos. 67647-E to 67649-E, incl.)**

On October 1, 1941, the United States attorney for the Eastern District of Arkansas filed a libel against 200 48-pound bags and 198 24-pound bags of flour at Paragould, Ark., alleging that the article had been shipped in interstate commerce within the period from on or about May 28 to on or about August 13, 1941, in part by Blair Milling Co. from Atchison, Kans., and in part by Robinson Milling Co. from Salina, Kans.; and charging that it was adulterated in that it consisted in whole and/or in part of a filthy, putrid, and decomposed



substance, and was otherwise unfit for food. The article was labeled in part: (Bags) "White Gold \* \* \* Flour \* \* \* Self-Rising"; "Southern Beauty Flour"; or "Red Seal Flour."

Puryear-Meyer Grocer Co., Paragould, Ark., claimant, having admitted the allegations of the libel, judgment of condemnation was entered on November 25, 1941, as of October 29, 1941, ordering that the product be released under bond to be denatured under the supervision of the Food and Drug Administration so that it could not be used for human consumption.

**2835. Adulteration of flour. U. S. v. 1,668 Bags of Flour. Consent decree of condemnation. Product ordered released under bond to be denatured and relabeled.** (F. D. C. Nos. 5817, 5818. Sample Nos. 49975-E to 49981-E, incl.)

On September 23, 1941, the United States attorney for the Northern District of Alabama filed a libel against 1,668 bags of flour at Tuscaloosa, Ala., alleging that the article had been shipped as follows: 895 24-pound bags on or about June 23, 1941, by Abilene Flour Mills Co. from Abilene, Kans.; and 38 48-pound bags, 399 24-pound bags, and 336 12-pound bags on or about March 1 and August 14, 1941, by Colonial Milling Co. from Nashville, Tenn.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: "Lite Flake \* \* \* [or "Pla-Mate Flour"] Self-Rising Flour"; or "Superlative Patent Polly Rich Flour \* \* \* Plain [or "Self-Rising"]."

On November 12, 1941, Southern Grain Co., Tuscaloosa, Ala., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be denatured so that it could not be used for human consumption, and relabeled under the supervision of the Food and Drug Administration.

**2836. Adulteration of flour. U. S. v. 52 Bags of Flour (and 9 other seizure actions against flour). Decrees of condemnation. Portion of product ordered released under bond to be denatured; remainder ordered destroyed.** (F. D. C. Nos. 5046, 5085, 5110, 5115, 5157, 5161, 5360, 5377, 5761, 5791, 5792. Sample Nos. 37873-E, 37875-E, 37876-E, 37878-E, 37884-E, 37885-E, 48090-E, 48148-E, 48160-E, 48164-E, 48503-E, 48504-E, 48526-E, 48527-E, 59248-E.)

Between July 1 and September 20, 1941, the United States attorneys for the Middle District of Georgia, Southern District of Georgia, Middle District of North Carolina, Eastern District of North Carolina, and Northern District of Florida filed libels against 52 12-pound bags of flour at Bainbridge, Ga.; 19 48-pound and 48 24-pound bags of flour at Nashville, Ga.; 42 24-pound bags, 23 8-pound bags, and 8 24-pound bags of flour at Thomasville, Ga.; 10 98-pound bags of flour at Waycross, Ga.; 44 48-pound bags, 809 24-pound bags, and 375 12-pound bags of flour at Americus, Ga.; 44 24-pound bags at Valdosta, Ga.; 24 48-pound bags and 38 48-pound bags of flour at Rockingham, N. C.; 36 48-pound bags of flour at Ahoskie, N. C.; 176 12-pound bags and 53 24-pound bags of flour at Blountstown, Fla.; and 149 12-pound bags and 106 24-pound sacks of flour at Crestview, Fla., alleging that the article had been shipped in interstate commerce within the period from on or about June 15, 1940, to on or about August 30, 1941, by Dixie-Portland Flour Co., or Dixie-Portland Flour Mills, variously from Richmond and Norfolk, Va.; Mobile, Ala.; and Jacksonville, Fla.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled variously in part: "Self-Rising Flour \* \* \* Jewel [or "Tulip," "Sunglo," "Hi-Bisk," "Cotton Boll," or "Silver Leaf"]"; "Bleached Flour Stout's Delicious"; "Honker Guaranteed Flour"; "Hostess Bleached Flour"; or "U-Bak-A Bakers Patent."

On October 20, 1941, the Dixie-Portland Flour Co. having appeared as claimant for the lots seized at Americus, Ga., and having admitted the allegations of the libels and consented to the entry of a decree, a consolidated judgment of condemnation was entered and the product was ordered released under bond conditioned that it be denatured for use as animal feed. Between August 20, 1941, and January 28, 1942, no claimant having appeared for the remaining lots, judgments of condemnation were entered and they were ordered destroyed.

**2837. Adulteration of flour. U. S. v. 52, 201, and 39 Bags of Flour (and 2 other seizure actions against flour). Decrees of condemnation. Portion of product ordered released under bond to be denatured; remainder ordered destroyed.** (F. D. C. Nos. 5178, 5693, 5750. Sample Nos. 48166-E, 48523-E to 48525-E, incl.)

On or about July 20 and on September 16, 1941, the United States attorneys for the Southern and the Northern Districts of Georgia filed libels against 39 48-



pound bags, 201 24-pound bags, and 52 12-pound bags of flour at Vidalia, and 172 48-pound bags, 70 24-pound bags, and 80 12-pound bags of flour at Covington, Ga., alleging that the article had been shipped in interstate commerce on or about April 2, May 21, and August 14, 1941, by Indiana Flour Co., Inc., from Jacksonville, Fla., and Greenville, S. C.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Bags) "Bleached Red Radiance Self-Rising Flour," "Sunset Gold Beautiful Biscuit Flour \* \* \* Self-Rising," or "Bleached Igleheart's Tender Flake Self-Rising Flour Igleheart Brothers Incorporated, Evansville, Ind."

On October 10, 1941, Indiana Flour Co., Inc., claimant for the product seized at Vidalia, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be denatured so that it could not be used for human consumption but might be used for animal feed. On October 25, 1941, no claimant having appeared for the flour seized at Covington, judgments of condemnation were entered and the product was ordered destroyed.

**2838. Adulteration of flour. U. S. v. 11, 50, and 20 Sacks of Flour (and 1 other seizure action against flour). Decrees of condemnation. Product released under bond to be denatured and disposed of for livestock feed.** (F. D. C. Nos. 6015, 6016. Sample Nos. 22744-E to 22747-E, incl.)

On October 15, 1941, the United States attorney for the District of Nevada filed libels against 100 sacks of flour at Reno, Nev., alleging that the article had been shipped in interstate commerce on or about January 15, 1941, by the Husler Flour Mills or the New Husler Flour Mill from Salt Lake City, Utah; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Husler's Pastry and Cake [or "Premier" or "100% Whole Wheat"] Flour."

On December 15, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered released to the owner, the Cremer-Erickson Co., Reno, Nev., under bond conditioned that it be denatured and disposed of as feed for livestock.

**2839. Adulteration of flour. U. S. v. 33 Bags and 46 Bags of Flour. Consent decree of condemnation ordering the product released under bond to be denatured.** (F. D. C. No. 5833. Sample No. 67645-E.)

On October 1, 1941, the United States attorney for the Eastern District of Arkansas filed a libel against 33 48-pound bags and 46 24-pound bags of flour at Paragould, Ark., alleging that the article had been shipped in interstate commerce, in part on or about August 23 and December 2, 1940, by Majestic Flour Mills from Aurora, Mo., and in part on or about February 11, 1941, by Eisenmayer Milling Co. from Springfield, Mo.; and charging that it was adulterated in that it consisted in whole and/or in part of a filthy, putrid, and decomposed substance, and was otherwise unfit for food. The article was labeled in part: (Bags) "Self-Rising Deluxe Flour."

Hurt Grocer Co., Paragould, Ark., claimant, having admitted the allegations of the libel, judgment of condemnation was entered on November 25, 1941, as of October 29, 1941, ordering that the product be released under bond to be denatured under the supervision of the Food and Drug Administration so that it could not be used for human consumption.

**2840. Adulteration of flour. U. S. v. 119 12-Pound Bags, 61 24-Pound Bags, and 219 48-Pound Bags of Flour. Consent decree of condemnation ordering the product released under bond to be denatured.** (F. D. C. No. 5837. Sample Nos. 67642-E to 67644-E, incl.)

On October 1, 1941, the United States attorney for the Eastern District of Arkansas filed a libel against the above-named product at Paragould, Ark., alleging that the article had been shipped in interstate commerce, in part on or about April 8, 1941, by Arkansas City Flour Mills Co. from Arkansas City, Kans., and in part on or about July 9, 1941, by Majestic Flour Mills from Aurora, Mo.; and charging that it was adulterated in that it consisted in whole and/or in part of a filthy, putrid, and decomposed substance, and was otherwise unfit for food. The article was labeled in part: (Bags) "Flour Silver King," "Self-Rising Silver King \* \* \* Flour," or "DeLuxe \* \* \* Flour."

Hurt Grocer Co., Paragould, Ark., claimant, having admitted the allegations of the libel, judgment of condemnation was entered on November 25, 1941, as of October 29, 1941, ordering that the product be released under bond to be denatured under the supervision of the Food and Drug Administration so that it could not be used for human consumption.



**2841. Adulteration of flour. U. S. v. 11 98-Pound Bags, 20 96-Pound Bags, 544 48-Pound Bags, and 923 24-Pound Bags of Flour (and 2 other seizure actions against flour. Decrees of condemnation ordering portions of product released under bond; remainder ordered destroyed. (F. D. C. Nos. 5828, 5984, 6161. Sample Nos. 35819-E, 67475-E to 67480-E, incl., 83976-E.)**

Between October 1 and November 5, 1941, the United States attorneys for the Eastern District of Arkansas, Southern District of Mississippi, and the Southern District of Texas filed libels against 11 98-pound bags, 20 96-pound bags, 544 48-pound bags, and 923 24-pound bags of flour at Paragould, Ark., 40 48-pound bags and 117 24-pound bags of flour at Vicksburg, Miss., and 360 24-pound bags of flour at Laredo, Tex., alleging that the article had been shipped in interstate commerce within the period from on or about March 20 to on or about October 14, 1941, by Shawnee Milling Co. from Shawnee, Okla.; and charging that it was adulterated in that portions of the product consisted in whole or in part of a filthy substance, and in that the remainder consisted in whole and/or in part of a filthy, putrid, and decomposed substance, and was otherwise unfit for food. The article was labeled in part: "Golden Rule Flour [\* \* \* Self-Rising]"; "Flour Shawnee Maid ["Self-Rising"]"; "Mother's Best \* \* \* Flour"; "La-Rose \* \* \* Flour"; or "White Eagle \* \* \* Flour."

Hurt Grocer Co., Paragould, Ark., claimant for the flour at Paragould, having admitted the allegations of the libel, judgment of condemnation was entered on November 25, 1941, as of October 29, 1941, ordering that the product be released under bond to be denatured under the supervision of the Food and Drug Administration so that it could not be used for human consumption. On January 6, 1942, no claimant having appeared for the product at Laredo, judgment of condemnation was entered and it was ordered delivered to the Quartermaster, Fort McIntosh, Laredo, Tex., for use as livestock feed only. On May 20, 1942, no claimant having appeared for the flour at Vicksburg, judgment of condemnation was entered and the product was ordered destroyed.

**2842. Adulteration of flour. U. S. v. 61 Bags of Flour. Consent decree of condemnation ordering the product released under bond to be denatured. (F. D. C. No. 5853. Sample No. 67646-E.)**

On October 1, 1941, the United States attorney for the Eastern District of Arkansas filed a libel against 61 48-pound bags of flour at Paragould, Ark., alleging that the article had been shipped in interstate commerce within the period from on or about November 23, 1940, to on or about April 12, 1941, by Robinson Milling Co. from Salina, Kans.; and charging that it was adulterated in that it consisted in whole and/or in part of a filthy, putrid, and decomposed substance, and was otherwise unfit for food. The article was labeled in part: "Southern Beauty Flour \* \* \* Self-Rising."

Puryear-Meyer Grocer Co., Paragould, Ark., claimant, having admitted the allegations of the libel, judgment of condemnation was entered on November 25, 1941, as of October 29, 1941, ordering that the product be released under bond to be denatured under the supervision of the Food and Drug Administration so that it could not be used for human consumption.

**2843. Adulteration of flour. U. S. v. 414 48-Pound Bags and 172 24-Pound Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 5988. Sample Nos. 40000-E, 67901-E to 67903-E, incl.)**

On or about October 13, 1941, the United States attorney for the Western District of Missouri filed a libel against the above-named product at Joplin, Mo., alleging that the article had been shipped in interstate commerce on or about July 19 and August 25, 1941, by the Weber Flour Mills Co. from Salina, Kans.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Big Value Hard Wheat Flour," "Big Horn Hard Wheat Flour \* \* \* Inter-State Grocer Co. Distributors," "IGA Brand Family Flour \* \* \* Packed for Independent Grocers Alliance Distributing Co.," or "Much-more Brand Flour \* \* \* Food Products Co. of America Chicago, Ill. Distributor."

On January 12, 1942, no claimant having appeared, judgment was entered ordering that the product be destroyed.

**2844. Adulteration of flour. U. S. v. 3 Bags, 19 Bags, and 1 Bag of Flour. Consent decree of condemnation ordering the product released under bond to be denatured. (F. D. C. No. 5836. Sample No. 67641-E.)**

On October 1, 1941, the United States attorney for the Eastern District of Arkansas filed a libel against 3 24-pound bags, 19 48-pound bags, and 1 96-pound



bag of flour at Paragould, Ark., alleging that the article had been shipped in interstate commerce on or about March 4, 1941, by the Wolff Milling Co. from New Haven, Mo.; and charging that it was adulterated in that it consisted in whole and/or in part of a filthy, putrid, and decomposed substance, and was otherwise unfit for food. The article was labeled in part: (Bags) "Wolff's Extra High Patent Flour."

Hurt Grocer Co., Paragould, Ark., claimant, having admitted the allegations of the libel, judgment of condemnation was entered on November 25, 1941, as of October 29, 1941, ordering that the product be released under bond to be denatured under the supervision of the Food and Drug Administration so that it could not be used for human consumption.

**2845. Adulteration of pumpernickel flour. U. S. v. 43 Bags of Pumpernickel Flour. Default decree of condemnation and destruction. (F. D. C. No. 6537. Sample No. 54521-E.)**

This product contained rodent excreta pellet fragments, hairs, insect fragments, and other filth.

On December 17, 1941, the United States attorney for the Eastern District of Pennsylvania filed a libel against 43 bags of pumpernickel flour at Philadelphia, Pa., alleging that the product had been shipped in interstate commerce on or about November 11, 1941, by R. B. Richardson from Allentown, N. J.; and charging that it was adulterated for the reasons appearing above. The article was labeled in part: (Bags) "H-P Brand Fancy Pumpernickel. Distributed by H. Price Philadelphia, Pa."

On January 5, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**CORN MEAL**

Nos. 2846 to 2850 report the seizure and disposition of corn meal that was insect-infested.

**2846. Adulteration of corn meal. U. S. v. 117 Bags and 298 Bags of Corn Meal. Default decrees of condemnation. Portion of product ordered delivered to charitable agency for use as stock feed; remainder ordered destroyed. (F. D. C. Nos. 5595, 5826. Sample Nos. 59637-E, 67404-E.)**

This product contained insects, insect fragments, rodent excreta, and one lot also contained rodent hairs. Many of the bags in one lot had been cut into by rodents and there were numerous rodent pellets on and between the bags.

On August 29 and September 23, 1941, the United States attorneys for the Southern District of West Virginia and the Eastern District of Arkansas filed libels against 298 10-pound bags of corn meal at Bluefield, W. Va., and 117 20-pound bags of corn meal at Little Rock, Ark., alleging that the article had been shipped in interstate commerce on or about July 21 and 23 and August 5, 1941, by the Quaker Oats Co. from Akron, Ohio, and St. Joseph, Mo.; and charging that it was adulterated. The article was labeled in part: "Aunt Jemima White Cream Corn Meal."

The portion of the product seized at Bluefield, W. Va., was alleged to be adulterated in that it consisted wholly or in part of a filthy substance. The portion of the product seized at Little Rock, Ark., was alleged to be adulterated in that it consisted in whole and/or in part of a filthy, putrid, or decomposed substance and was otherwise unfit for human consumption; and in that it had been held under insanitary conditions whereby it might have become contaminated with filth.

On October 2 and 22, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. On November 1, 1941, the decree entered in the Southern District of West Virginia was amended in order to permit delivery of the product to a public institution to be used as stock feed.

**2847. Adulteration of corn meal. U. S. v. 151 Bags of Corn Meal. Default decree of condemnation and destruction. (F. D. C. No. 6109. Sample No. 49630-E.)**

This product contained rodent excreta fragments and rodent hairs, as well as insect fragments.

On October 29, 1941, the United States attorney for the Western District of Louisiana filed a libel against 151 bags of corn meal at Lafayette, La., alleging that the article had been shipped in interstate commerce on or about September 23, 1941, by Houston Milling Co. from Houston, Tex.; and charging that it



was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Bags) "Gilt Edge Corn Meal."

On January 5, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2848. Adulteration of corn meal. U. S. v. 23 Cases of Corn Meal. Default decree of condemnation and destruction.** (F. D. C. No. 5187. Sample No. 53225-E.)

On July 29, 1941, the United States attorney for the District of Arizona filed a libel against 23 cases, each containing 24 packages of corn meal at Phoenix, Ariz., alleging that the article had been shipped in interstate commerce on or about August 31, 1940, and April 22, 1941, by Miller Cereal Mills from Omaha, Nebr.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "1 Lb. 8 Oz. Yellow Cream Corn Meal."

On October 10, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2849. Adulteration of corn meal. U. S. v. 10 Bags of Corn Meal. Default decree of condemnation and destruction.** (F. D. C. No. 6202. Sample No. 49868-E.)

On November 10, 1941, the United States attorney for the Eastern District of Louisiana filed a libel against 10 bags of corn meal at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about October 24, 1941, by J. D. Perkerson's Sons from Austell, Ga.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Bags) "96 Lbs. 2 Bu. Perkerson's Southern Style \* \* \* Corn Meal."

On December 24, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2850. Adulteration of corn meal. U. S. v. 7 Bags, 13 Bags, and 6 Bags of Corn Meal. Default decree of condemnation and destruction.** (F. D. C. No. 5820. Sample Nos. 49972-E to 49974-E, incl.)

This product contained rodent hairs and excreta as well as insect fragments.

On September 23, 1941, the United States attorney for the Northern District of Alabama filed a libel against 7 96-pound bags, 13 24-pound bags, and 6 48-pound bags of corn meal at York, Ala., alleging that the article had been shipped in interstate commerce on or about August 12 and September 3 and 6, 1941, by Royal-Stafolife Mills from Meridian, Miss.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Royal Corn Meal."

On November 6, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

#### MACARONI PRODUCTS

Nos. 2851 and 2852 report the seizure and disposition of macaroni products that were insect-infested.

**2851. Adulteration of noodles, macaroni, and spaghetti. U. S. v. 47 Cases and 521 Cases of Noodles, 512 Cases of Macaroni, and 245 Cases of Spaghetti. Decrees of condemnation. Portions of products ordered released under bond to be reconditioned; remainder ordered destroyed.** (F. D. C. Nos. 5216, 5672. Sample Nos. 53226-E, 53227-E, 72001-E to 72021-E, incl.)

On or about August 7 and on September 11, 1941, the United States attorneys for the District of Arizona and the Southern District of California filed libels against 47 cases of noodles at Phoenix, Ariz., and 521 cases of noodles, 512 cases of macaroni, and 245 cases of spaghetti at Los Angeles, Calif., alleging that the articles had been shipped in interstate commerce within the period from on or about January 26, 1940, to on or about April 2, 1941, by the American Beauty Macaroni Co. from Denver, Colo., and Kansas City, Mo.; and charging that they were adulterated in that they consisted in whole or in part of filthy substances. The articles were labeled in part: "American Beauty Egg Noodles [or "\* \* \* Macaroni" or "\* \* \* Spaghetti]"; or "American Beauty Brand Shel-Roni [or "El bo-Roni," "Salad-Roni," or "Roni-Mac"]."

On October 1, 1941, American Beauty Manufacturing Co., claimant for the seizure at Los Angeles, having admitted the allegations of the libel, judgment of condemnation **was** entered and the products were ordered released under bond to be reconditioned under the supervision of the Food and Drug Admin-



istration. The good portion was segregated from the bad, and the latter was delivered to a meat company for use as hog feed. On October 10, 1941, no claimant having appeared for the seizure at Phoenix, judgment of condemnation was entered and the product was ordered destroyed.

**2852. Adulteration of macaroni products. U. S. v. 4 Cases of Noodles, et al. Default decree of condemnation and destruction. (F. D. C. No. 5455. Sample Nos. 53966-E to 53972-E, incl.)**

On September 2, 1941, the United States attorney for the District of Arizona filed a libel against 15 cases of egg noodles, 2 cases of macaroni, 10 cases of spaghetti, and 4 cases of vermicelli at Yuma, Ariz., alleging that the articles had been shipped in interstate commerce on or about February 24, April 24, and July 21, 1941, by Superior Macaroni Co. from Los Angeles, Calif.; and charging that they were adulterated in that they consisted in whole or in part of filthy substances. The articles were labeled in part: "Kwik Kook Egg Noodles [or "Macaroni Products"]"; or "Superio Brand 100% Semolina Products."

On October 6, 1941, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

#### MISCELLANEOUS

**2853. Adulteration of Cream of Maize. U. S. v. 102 Bags of Cream of Maize. Consent decree of condemnation and destruction. (F. D. C. No. 5910. Sample No. 59434-E.)**

This product was insect-infested.

On September 29, 1941, the United States attorney for the Eastern District of Virginia filed a libel against 102 50-pound bags of Cream of Maize at Norfolk, Va., alleging that the article had been shipped on or about June 4, 1940, by Decatur Milling Co., Inc., from Decatur, Ill.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Hexagon Brand Cream of Maize."

On October 8, 1941, the claimant having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered destroyed.

**2854. Misbranding of natural brown puffed rice. U. S. v. 60 Cases of Natural Brown Puffed Rice. Default decree of condemnation. Product ordered delivered to charitable institution. (F. D. C. No. 5635. Sample No. 69959-E.)**

This product contained approximately two-thirds the amount of vitamin B<sub>1</sub> declared on the label.

On September 8, 1941, the United States attorney for the District of New Jersey filed a libel against 60 cases of natural brown puffed rice at New Brunswick, N. J., alleging that the article had been shipped in interstate commerce on or about May 28, 1941, by the Southern Rice Sales Corporation from Long Island City, N. Y.; and charging that it was misbranded. The article was labeled in part: (Package) "4 Ounces Net Weight River Brand Puffed Natural Brown Rice Contains Vitamin B<sub>1</sub> and B<sub>2</sub>."

The article was alleged to be misbranded in that the statement "Each four ounce package of River Brand Natural Brown Puffed Rice contains 94.4 International units of Vitamin B<sub>1</sub>," borne on the label, was false and misleading as applied to an article that contained not more than 60 International Units of vitamin B<sub>1</sub> in each 4-ounce package.

On November 19, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

#### FEED

**2855. Misbranding of cottonseed cake and meal. U. S. v. The Southern Cotton Oil Co. Plea of guilty. Fine, \$50. (F. D. C. No. 4151. Sample Nos. 18493-E, 18494-E.)**

This product contained less protein than the amount declared on its label.

On July 3, 1941, the United States attorney for the Eastern District of Arkansas filed an information against the Southern Cotton Oil Co., a corporation, Newport, Ark., alleging shipment on or about October 4, 1940, from the State of Arkansas into the State of Kansas of quantities of cottonseed cake and meal that were misbranded. The article was labeled in part: (Tags) "Cottonseed Cake and Meal Superior Quality Guaranteed Analysis Protein, not less than 41% \* \* \* Distributed by Superior Cake & Meal Co."

It was alleged to be misbranded in that the statement "Protein, not less than 41%," borne on the tags, was false and misleading since it contained less than 41



percent of protein, samples from each of the two shipments having been found to contain 33.38 percent and 38.56 percent, respectively, of protein.

On December 8, 1941, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$50.

**2856. Misbranding of peanut meal. U. S. v. 216 Bags of Peanut Meal. Consent decree of condemnation. Product released under bond for relabeling. (F. D. C. No. 5973. Sample No. 18677-E.)**

This product contained less crude protein than the proportion declared on the label.

On October 4, 1941, the United States attorney for the District of Maryland filed a libel against 216 bags of peanut meal at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about July 17, 1941, by Wilmington Oil & Fertilizer Co. from Wilmington, N. C.; and charging that it was misbranded. The product was labeled in part: (Tags) "100 Lbs. Net Peco Brand Peanut Meal Manufactured by Wilmington Oil and Fertilizer Co. Wilmington, N. C. Guaranteed Analysis: Protein Not Less than 41.00%."

It was alleged to be misbranded in that the statement "Protein not less than 41%" was false and misleading as applied to an article that contained not more than 38.62 percent of crude protein.

On October 17, 1941, George F. Obrecht Co., Baltimore, Md., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled under the supervision of the Food and Drug Administration.

**2857. Adulteration and misbranding of Codroil. U. S. v. 20 Drums of Codroil. Default decree of condemnation ordering that the product be relabeled and sold as ordinary feed. (F. D. C. No. 4400. Sample No. 29068-E.)**

This product was represented to contain 3.71 percent of cod-liver-oil extract containing 4,833 units of vitamin A per gram, which would indicate that the product contained 179 units of vitamin A per gram; whereas examination showed that it contained only 88 units of vitamin A per gram. Furthermore, no statement of contents appeared on the container.

On April 19, 1941, the United States attorney for the Northern District of Ohio filed a libel against 20 drums, each containing 100 pounds, of Codroil at Ashland, Ohio, alleging that the article had been shipped in interstate commerce by Pho-So-Ash Products Corporation from Kendallville, Ind., on or about February 10, 1941; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that a valuable constituent, namely, vitamin A, had been wholly or in part omitted or abstracted therefrom.

It was alleged to be misbranded (1) in that the following statement on the label was false since it was incorrect, "Ingredients—Cod liver oil extract 3.71 per cent (4833 units vitamin A per gram \* \* \*)"; and (2) in that the package (drum) did not bear an accurate statement of the quantity of contents.

The article was also alleged to be adulterated and misbranded under the provisions of the law applicable to drugs, as reported in D. D. N. J. No. 571.

On July 3, 1941, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be relabeled and sold as ordinary feed.

**2858. Misbranding of Pro-Gro. U. S. v. 3 10-Pound, 3 25-Pound, and 1 335-Pound Containers of Pro-Gro. Consent decree of condemnation and destruction. (F. D. C. Nos. 4379, 4380. Sample Nos. 43876-E, 43877-E.)**

The labeled portion of this product bore false and misleading claims regarding its efficacy as an egg and meat producer, and the unlabeled portion failed to bear the name and address of the manufacturer, packer, or distributor. Both portions also failed to bear the required quantity of contents and active ingredient statements.

On April 21, 1941, the United States attorney for the District of Kansas filed a libel against the above-named product at Ottawa, Kans., alleging that it had been shipped by the Pro-Gro Co. from Kansas City, Mo., on or about January 28, 1941; and charging that it was misbranded. With the exception of the portion contained in one of the 10-pound containers, the article was unlabeled.

The labeled portion of the article was alleged to be misbranded in that the statements, "Pro—Produces More Eggs! Gro—Grows More Meat! Poultry Supplement Fertility . . . Vitality," were false and misleading since they represented that it would be efficacious for the purposes recommended, whereas it would not be efficacious for such purposes; and in that the name "Pro-Gro," a



combination of letters, was a false and misleading device which was interpreted to mean that the article would produce more eggs and grow more meat. Both the labeled and the unlabeled portions were alleged to be misbranded in that the article was in package form and the label failed to bear (1) a statement of the common or usual names of the active ingredients, and (2) an accurate statement of the quantity of contents. The portion in the unlabeled containers was alleged to be misbranded further in that it was in package form and did not bear a label containing the name and place of business of the manufacturer, packer, or distributor.

It also was alleged to be misbranded under the provisions of the law applicable to drugs, as reported in D. D. N. J. No. 596.

On June 21, 1941, the claimant having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered destroyed.

## DAIRY PRODUCTS

### BUTTER

**2859. Adulteration and misbranding of butter. U. S. v. 2½ Cases of Butter. Default decree of destruction.** (F. D. C. No. 6178. Sample No. 64175-E.)

This product was short weight, in addition to containing filth.

On October 11, 1941, the United States attorney for the Northern District of West Virginia filed a libel against 2½ cases, each containing 32 1-pound prints, of butter at Warwood, W. Va., alleging that the article had been shipped on or about July 3, 17, and 24, 1941, by Armour & Co. from Columbus, Ohio; and charging that it was adulterated and misbranded. It was labeled in part: (Prints) "Spring Brook Brand Creamery Butter, Armour Creameries, Distributors, \* \* \* Chicago, Ill."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

It was alleged to be misbranded in that the prints did not contain 1 pound net, as labeled.

On December 10, 1941, no claimant having appeared, judgment was entered ordering that the product be destroyed.

Nos. 2860 to 2864 report the seizure and disposition of butter that was found to contain mold.

**2860. Adulteration of butter. U. S. v. 14 27/32 Cases and 34 20/32 Cases of Butter. Consent decree of condemnation. Product ordered released under bond to be destroyed or reworked.** (F. D. C. No. 6329. Sample Nos. 73296-E, 73297-E.)

A portion of this product contained excessive mold, and the remainder was deficient in milk fat.

On or about November 22, 1941, the United States attorney for the District of Kansas filed a libel against 48 cases, each containing 32 pounds, and 27 and 20 loose pounds, of butter at Kansas City, Kans., alleging that the article had been shipped on or about October 27 and November 3, 1941, by Clinton Butter Co. from Clinton, Mo.; and charging that it was adulterated. It was labeled in part: "Cudahy's Sunlight Creamery Butter The Cudahy Packing Co. Distributors \* \* \* Chicago, Ill."

A portion of the article was alleged to be adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance. The remainder was alleged to be adulterated in that a valuable constituent, milk fat, had been in whole or in part omitted or abstracted therefrom; and in that an article containing less than 80 percent by weight of milk fat had been substituted wholly or in part for butter.

On December 19, 1941, Clinton Butter Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be destroyed or reworked. That portion which was deficient in milk fat was reworked, and the remainder was destroyed.

**2861. Adulteration of butter. U. S. v. 8 Tubs of Butter. Default decree of condemnation and destruction.** (F. D. C. No. 6529. Sample No. 56992-E.)

On November 15, 1941, the United States attorney for the Southern District of New York filed a libel against 8 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about November



4, 1941, by Farmers Creamery from Oskaloosa, Iowa; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance.

On December 9, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2862. Adulteration of butter. U. S. v. 58 Cases of Butter. Default decree of condemnation and destruction.** (F. D. C. No. 6328. Sample No. 62367-E.)

On November 10, 1941, the United States attorney for the Eastern District of Wisconsin filed a libel against 58 cases, each containing 32 pounds, of butter at Kenosha, Wis., alleging that the article had been shipped in interstate commerce on or about November 2, 1941, by A. Madsen from Kewanee, Ill.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance, and in that it had been prepared and packed under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Armour's Cloverbloom Butter."

On December 17, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2863. Adulteration of butter. U. S. v. 19,143 Pounds of Butter. Consent decree ordering product released under bond.** (F. D. C. No. 5704. Sample No. 29861-E.)

On or about August 14, 1941, the United States attorney for the Western District of Kentucky filed a libel against 19,143 pounds of butter at Louisville, Ky., alleging that the article had been shipped in interstate commerce on or about August 6, 1941, by Frank Pilley & Sons, Inc., from Springfield, Mo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance, or was otherwise unfit for food. The article was labeled in part: "Armour's Cloverbloom Butter \* \* \* Armour Creameries, Distributors \* \* \* Chicago, Ill."

On October 31, 1941, Frank Pilley & Sons, Inc., claimant, having admitted the allegations of the libel, judgment was entered ordering that the product be released under bond to be brought into compliance with the law. The product was converted into butter oil.

**2864. Adulteration of butter. U. S. v. 17 Cases and 3 Cases of Butter. Default decree of condemnation and destruction.** (F. D. C. No. 6151. Sample Nos. 25834-E, 25835-E.)

This product was moldy and rancid.

On November 4, 1941, the United States attorney for the Northern District of Alabama filed a libel against 20 cases of butter at Birmingham, Ala., alleging that the article had been shipped in interstate commerce on or about September 17, 1941, by Sunny Brook Creamery Co. from Miami, Fla.; and charging that it was adulterated in that it consisted in whole or in part of a filthy or decomposed substance. The article was labeled in part: "Swift's Brookfield Butter," or "Sunnyland Creameries Butter."

On December 29, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

Nos. 2865 to 2867 report the seizure and disposition of butter that was deficient in milk fat.

**2865. Adulteration of butter. U. S. v. 12 Boxes of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked.** (F. D. C. No. 6052. Sample No. 56973-E.)

On October 14, 1941, the United States attorney for the Southern District of New York filed a libel against 12 boxes, each containing approximately 66 pounds, of butter at New York, N. Y., alleging that the article had been shipped on or about September 30, 1941, by Highland Creamery, Goodrich, Minn.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: "Butter Distributed by Hunter Walton & Co. \* \* \* New York."

On October 24, 1941, Highland Creamery, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reworked under the supervision of the Food and Drug Administration so that it contain at least 80 percent of milk fat.



**2866. Adulteration of butter. U. S. v. 24 Cartons of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked.** (F. D. C. No. 6049. Sample No. 56969-E.)

On October 6, 1941, the United States attorney for the Southern District of New York filed a libel against 24 cartons, each containing approximately 64 pounds, of butter at New York, N. Y., alleging that the article had been shipped on or about September 25, 1941, by Landsberger Creamery & Produce Co., from Sisseton, S. Dak.; and charging that it was adulterated in that it contained less than 80 percent by weight of milk fat. The article was labeled in part: "Butter \* \* \* Zenith-Godley Co. N. Y."

On October 23, 1941, Landsberger Creamery & Produce Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reworked under the supervision of the Food and Drug Administration so that it contain at least 80 percent of milk fat.

**2867. Adulteration of butter. U. S. v. 12 Cartons of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked.** (F. D. C. No. 6530. Sample No. 76472-E.)

On December 1, 1941, the United States attorney for the District of Massachusetts filed a libel against 12 60-pound cartons of butter at Somerville, Mass., alleging that the article had been shipped on or about November 25, 1941, by Northwest Dairy Forwarding Co. from Duluth, Minn.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by law. The article was labeled in part: "Pipestone Produce Company Somerville, Massachusetts."

On December 18, 1941, Pipestone Produce Co., of Minnesota, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reworked under the supervision of the Food and Drug Administration.

**2868. Misbranding of butter. U. S. v. J. Eastman Hatch, Trustee in Bankruptcy of the Mutual Creamery Co. Plea of guilty. Fines totaling \$32.** (F. D. C. No. 5518. Sample Nos. 44395-E, 44397-E, 65214-E, 65216-E, 65230-E, 65231-E, 65709-E, 65711-E.)

This product was short weight.

On November 29, 1941, the United States attorney for the District of Utah filed an information against J. Eastman Hatch, trustee in bankruptcy of the Mutual Creamery Co., a corporation at Salt Lake City, Utah, alleging shipment within the period from on or about April 15 to on or about May 13, 1941, from the State of Utah into the State of Nevada, of quantities of butter that was misbranded. It was labeled in part: "Maid O' Clover Four-in-One Brand [or "Maid O' Clover Brand Sweet Cream"] Butter Distributed by Mutual Creamery Company \* \* \* Salt Lake City, Utah," or "Fresh Churned Creamery Butter Distributed by O. P. Skaggs \* \* \* Salt Lake City, Utah."

The article was alleged to be misbranded (1) in that the statements, "One Pound Net," "Net Wgt. 1 Lb.," or "1 Lb. Net," appearing on the cartons, were false and misleading since they represented that each of the cartons contained 1 pound net of butter, whereas each carton did not contain 1 pound net of butter, but did contain a smaller amount; and (2) in that it was in package form and its label failed to bear an accurate statement of the quantity of the contents in terms of weight.

On December 20, 1941, a plea of guilty having been entered by the defendant, the court imposed a fine of \$25 on the first count and a fine of \$1 on each additional count, totaling \$32.

**2869. Misbranding of butter. U. S. v. 152 Boxes of Butter. Product ordered released under bond.** (F. D. C. No. 6379. Sample No. 53574-E.)

This product was short of the declared weight.

On October 22, 1941, the United States attorney for the District of Arizona filed a libel against 152 boxes, each containing 30 packages, of butter at Phoenix, Ariz., alleging that the article had been shipped in interstate commerce on or about October 17, 1941, by Dickey Davis Co. from Tulia, Tex.; and charging that it was misbranded in that the cartons did not contain 1 pound net as labeled. The article was labeled in part: (Cartons) "Rainbow Butter \* \* \* Churned By Swisher Creamery, Inc. Tulia, Texas."



On October 27, 1941, the court ordered that the product be released under bond to be brought into compliance with the law under the supervision of the Food and Drug Administration.

#### CHEESE

**2870. Adulteration of Cheddar cheese. U. S. v. 26 and 54 Boxes of Cheddar Cheese. Default decree of condemnation and destruction.** (F. D. C. No. 6066. Sample Nos. 58892-E, 58900-E.)

This product contained insect fragments.

On October 23, 1941, the United States attorney for the Northern District of Iowa filed a libel against 80 boxes of Cheddar cheese at Sioux City, Iowa, alleging that the article had been shipped in interstate commerce on or about October 7, 1941, by Urevig Green [Edgar Urevig] and Clyde Green, managers of the Granada Cheese Factory and Brush Creek Cheese Factory, from Granada and Bricelyn, Minn.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On November 7, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2871. Adulteration of cheese. U. S. v. 19 Cases of Cheddar Cheese. Consent decree of condemnation and destruction.** (F. D. C. No. 6032. Sample No. 65893-E.)

Examination of this product showed the presence of rodent hairs, feather barbs, and nondescript dirt.

On December 15, 1941, the United States attorney for the District of Wyoming filed a libel against 19 cases of Cheddar cheese at Rock Springs, Wyo., alleging that the article had been shipped in interstate commerce on or about September 24, 1941, by the Mutual Creamery Co. from Randolph, Utah; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "OSPO Maid O'Clover Quality First Whole Milk Cheddar."

On November 21, 1941, the consignor and consignee having accepted service and having authorized the entry of final decree, judgment of condemnation was entered and the product was ordered destroyed.

#### CREAM

Nos. 2872 to 2875 report the seizure and disposition of cream that was contaminated because of the presence of filth or decomposition.

**2872. Adulteration of cream. U. S. v. 4 10-Gallon Cans of Cream. Consent decree of destruction.** (F. D. C. No. 5738. Sample No. 42472-E.)

On August 12, 1941, the United States attorney for the Western District of Pennsylvania filed a libel against 4 10-gallon cans of cream at Pittsburgh, Pa., alleging that the article had been shipped on or about August 8, 1941, by various shippers as follows: J. T. Fisher & Son, Poolesville, Md.; Fairmont Creamery Co., Strasburg, Va.; Dewey Tallman, Pennsboro, W. Va.; and L. H. Cutlip, Gassaway, W. Va.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance.

On August 12, 1941, the consignee having requested the immediate destruction of the product, judgment was entered ordering that it be destroyed.

**2873. Adulteration of cream. U. S. v. 5 5-Gallon Cans of Cream. Consent decree of destruction.** (F. D. C. No. 5736. Sample No. 42470-E.)

On August 12, 1941, the United States attorney for the Western District of Pennsylvania filed a libel against 5 5-gallon cans of cream at Pittsburgh, Pa., alleging that the article had been shipped on or about August 6, 1941, by various shippers as follows: Anna Dennis, Forest Hill, Md.; Robert Taylor, Terra Alta, W. Va.; A. M. Bowmar, Tunnelton, W. Va.; W. J. Price, Montrose, W. Va.; and Ode Rosier, Parsons, W. Va.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance.

On August 12, 1941, the claimant having consented to the entry of a decree, judgment was entered ordering that the product be destroyed.



**2874. Adulteration of cream. U. S. v. 2 10-Gallon Cans of Cream. Consent decree of destruction.** (F. D. C. No. 5737. Sample No. 42471-E.)

On August 12, 1941, the United States attorney for the Western District of Pennsylvania filed a libel against 2 10-gallon cans of cream at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about August 7, 1941, by Dairymen's Co-Op Sales Association, Sardis, Ohio, and Doris Jenkins, Culpeper, Va.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance.

On August 12, 1941, the consignee having requested the immediate destruction of the product, judgment was entered ordering that it be destroyed.

**2875. Adulteration of cream. U. S. v. 5 Cans of Cream. Consent decree of condemnation and destruction.** (F. D. C. No. 5252. Sample No. 37073-E.)

On July 24, 1941, the United States attorney for the Middle District of Georgia filed a libel against 5 10-gallon cans of cream at Americus, Ga., alleging that the article had been shipped on or about July 22, 1941, by R. A. Weeks from Headland, Ala.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance.

On August 2, 1941, the consignee having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

### EGGS

Nos. 2876 to 2879 report the seizure and disposition of several lots of frozen eggs in which examination disclosed the presence of decomposition.

**2876. Adulteration of frozen eggs. U. S. v. 800 Cans of Frozen Eggs. Consent decree of condemnation. Product ordered released under bond conditioned that unfit portion be segregated and destroyed or denatured.** (F. D. C. No. 5958. Sample No. 56967-E.)

On October 6, 1941, the United States attorney for the Southern District of New York filed a libel against 800 cans of frozen eggs at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about June 24, 1941, by the Cudahy Packing Co. from Chicago, Ill.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Cudahy's Sunlight Whole Eggs."

On November 5, 1941, the Cudahy Packing Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that the unfit portion be segregated and denatured or destroyed.

**2877. Adulteration of frozen eggs. U. S. v. 360 Cans of Frozen Eggs. Consent decree of condemnation. Product ordered released under bond.** (F. D. C. No. 5842. Sample No. 49773-E.)

On September 24, 1941, the United States attorney for the Middle District of Alabama filed a libel against 360 cans of frozen eggs at Montgomery, Ala., alleging that the article had been shipped in interstate commerce on or about July 5, 1941, by Cudahy Packing Co. from Chicago, Ill.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: "Net Weight 30 Pounds Cudahy's Sunlight Whole Eggs."

On October 3, 1941, the Cudahy Packing Co. having appeared as claimant, an order was entered permitting release of the product under bond conditioned that it should not be disposed of in violation of the law. On October 10, 1941, an amended decree was entered condemning the product and ordering that it be delivered to the claimant to be brought into compliance with the law under the supervision of the Food and Drug Administration. It was examined and sorted and the unfit portion converted into tankage.

**2878. Adulteration of frozen eggs. U. S. v. 575 Cans of Frozen Eggs. Consent decree of condemnation. Product ordered released under bond for segregation of the sound portion from the unsound.** (F. D. C. No. 6021. Sample No. 61090-E.)

On October 14, 1941, the United States attorney for the Western District of Washington filed a libel against 575 30-pound cans of frozen eggs at Lynden, Wash., alleging that the article had been shipped in interstate commerce on or about September 9, 1941, by Lucerne Cream & Butter Co. from Oakland, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On October 27, 1941, Lucerne Cream & Butter Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product



was ordered released under bond for segregation of the sound portion from the unsound under the supervision of the Food and Drug Administration. The unsound portion was destroyed.

**2879. Adulteration of frozen whole eggs. U. S. v. 600 Cans and 8 Cans of Frozen Whole Eggs. Consent decree of condemnation. Product ordered released under bond.** (F. D. C. No. 6156. Sample Nos. 74873-E, 74874-E.)

On or about November 7, 1941, the United States attorney for the District of Connecticut filed a libel against 608 cans of frozen whole eggs at Hartford, Conn., alleging that the article had been shipped in interstate commerce on or about October 17, 1941, by Produce Terminal Cold Storage Co. from Chicago, Ill., on order of Harry Atlas Sons, Inc., New York, N. Y.; and charging that the article was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Tag on cans) "Packed by Blue Star Produce, Inc. Offices Council Bluffs, Iowa."

On December 19, 1941, Louis Orenstein having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for segregation and destruction of the unfit portion under the supervision of the Food and Drug Administration.

**2880. Adulteration and misbranding of spray egg yolk. U. S. v. 4 Cases, 5 Cases, and 1 Case of Spray Hen Egg Yolk. Consent decree of condemnation. Product ordered released under bond to be relabeled.** (F. D. C. Nos. 4948 to 4950, incl. Sample Nos. 69065-E to 69067-E, incl.)

On June 20, 1941, the United States attorney for the Southern District of New York filed libels against 10 cases of spray egg yolk at New York, N. Y., alleging that on or about June 15 and December 4, 1939, and July 29, 1940, a shipment of spray dried egg yolk had been imported from China and that subsequently a number of cases contained in this shipment had been sold to Rogol Distributors, Inc., Brooklyn, N. Y., and that Rogol Distributors, Inc., thereafter sold the article after having adulterated it with a commercial preparation of soybean flour with added carotin.

The libels alleged that the article was adulterated (1) in that a substance, spray egg yolk containing soybean flour with added carotin, had been substituted wholly or in part for spray hen egg yolk, which it purported to be; and (2) in that soybean flour with added carotin had been added thereto or mixed or packed therewith so as to reduce its quality or strength.

It was alleged to be misbranded (1) in that the name "Spray Hen Egg Yolk" was false and misleading as applied to spray dried egg yolk containing soybean flour with added carotin; (2) in that it was offered for sale under the name of another food; and (3) in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient.

On October 10, 1941, the cases having been consolidated and Rogol Distributors, Inc., having admitted the allegations of the libels, judgment of condemnation was entered and the product was ordered released under bond conditioned that, under the supervision of the Food and Drug Administration, it be reprocessed by the addition of 10 percent of cocoa so that it could not be sold as spray hen egg yolk but solely as a mixture of hen egg yolk, soybean flour, and cocoa, and that it be relabeled so as to comply with the law.

## FISHERIES PRODUCTS

### FROZEN FISH

Nos. **2881 to 2891** report the seizure and disposition of frozen fish that was in whole or in part decomposed.

**2881. Adulteration of frozen codfish. U. S. v. 42 Boxes of Cod Fillets. Default decree of condemnation and destruction.** (F. D. C. No. 5388. Sample Nos. 54142-E, 54144-E.)

On August 16, 1941, the United States attorney for the Eastern District of Pennsylvania filed a libel against 42 boxes of frozen codfish at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about August 7, 1941, by Cape Fish Co. from Boston, Mass.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Cod on Fillets \* \* \* 15 lbs. \* \* \* Spray Blown Frosted Tenderloins of the Sea."

On September 8, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.



**2882. Adulteration of frozen codfish and frozen perch. U. S. v. 496 Boxes of Cod Fillets and 19 Boxes of Perch Fillets. Default decrees of condemnation and destruction; codfish subsequently ordered released under bond. (F. D. C. Nos. 5432, 5584. Sample Nos. 44000-E, 66033-E.)**

Examination of samples of these products showed that the codfish was in part decomposed and that the perch was infested with parasites.

On August 22 and 30, 1941, the United States attorneys for the District of Nebraska and the Northern District of Illinois filed libels against 496 15-pound boxes of cod fillets at Omaha, Nebr., and 19 10-pound boxes of perch at Chicago, Ill., alleging that the articles had been shipped in interstate commerce on or about August 5 and 12, 1941, by Slade Gorton Co. from Gloucester and Boston, Mass.; and charging that they were adulterated in that the perch consisted in whole or in part of a filthy substance, and in that the codfish consisted in whole or in part of a decomposed substance. The articles were labeled in part: "Cod Frosted Tastycuts Fillets"; or "T. & J. Busalacchi, Inc. \* \* \* Red Perch Fillets."

On October 28 and 30, 1941, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed. On December 15, 1941, the Eastern Seafood Co., Boston, Mass., having subsequently appeared as claimant for the codfish, the court ordered it delivered to the claimant under bond conditioned that it be brought into compliance with the law under the supervision of the Food and Drug Administration.

**2883. Adulteration of frozen fish. U. S. v. 131 Boxes and 334 Boxes of Haddock Fillets. Consent decree of condemnation. Product released under bond for reconditioning. (F. D. C. No. 5593. Sample Nos. 50860-E, 50862-E.)**

On August 30, 1941, the United States attorney for the District of Maryland filed a libel against 465 boxes of haddock fillets at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about August 19, 1941, by J. J. Scoggins & Co. from Chelsea, Mass.; charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Small Haddock Fillets \* \* \* Packed by Collins-Lee Co. Chelsea, Mass."

On November 11, 1941, the Collins-Lee Co., Chelsea, Mass., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it should not be disposed of until made to conform to the requirements of the law under the supervision of the Food and Drug Administration. It was sorted and the unfit portion destroyed.

**2884. Adulteration of frozen haddock. U. S. v. 348 Boxes of Haddock Fillets (and 2 other seizures of haddock fillets). Consent decrees of condemnation. Product ordered released under bond for salvaging good portion. (F. D. C. Nos. 5594, 5659, 7347. Sample Nos. 62084-E, 62091-E, 62281-E, 87557-E.)**

On August 30 and September 15, 1941, and April 15, 1942, the United States attorneys for the Northern District of Illinois and the District of Maryland filed libels against 650 boxes of haddock fillets at Chicago, Ill., and 93 boxes at Baltimore, Md. (libel filed August 30, 1941, subsequently amended), alleging that the article had been shipped in interstate commerce within the period from on or about August 12, 1941, to on or about April 7, 1942, by Standard Fish Co. from Boston, Mass.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Haddock Fillets \* \* \* Standard Brand."

On October 22, 1941, and May 11, 1942, the Standard Fish Co., claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond conditioned that it be sorted and the good portion salvaged under the supervision of the Food and Drug Administration.

**2885. Adulteration of frozen haddock fillets. U. S. v. 1,070 Boxes of Fillets. Consent decree of condemnation. Portion of product ordered released unconditionally; remainder ordered released under bond to be salvaged. (F. D. C. No. 5585. Sample Nos. 42967-E, 42969-E, 42970-E.)**

On August 28, 1941, the United States attorney for the Western District of Pennsylvania filed a libel against 1,070 boxes of haddock fillets at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about August 7, 1941, by Frank Ellsworth Co. from Boston, Mass.; and charging



that it was adulterated in that it consisted in whole or in part of a decomposed substance. It was labeled in part: "Sm. Hadd Fillets, F. J. O'Hara & Sons Inc."

On September 11, 1941, F. J. O'Hara & Sons, Inc., claimant, having appeared and averred that a portion of the product was not bad and having admitted all other allegations of the libel, judgment of condemnation was entered and it was ordered that 367 boxes be released immediately as not bad and that the remainder be released under bond for segregation and salvaging of the good portion.

**2886. Adulteration of frozen perch and frozen haddock. U. S. v. 190 Boxes of Frozen Perch (and 2 other seizure actions against frozen fish). Default decrees of condemnation and destruction.** (F. D. C. Nos. 5617, 6079, 7322. Samples Nos. 29639-E, 64556-E, 79109-E.)

Examination of samples of these products showed that the haddock and a portion of the perch were in whole or in part decomposed, and that the remainder of the perch was infested with parasites.

On September 5 and October 24, 1941, and April 10, 1942, the United States attorneys for the Southern and Northern Districts of Ohio and the Western District of New York filed libels against 190 10-pound boxes of frozen perch at Cincinnati and 30 10-pound boxes of frozen haddock at Akron, Ohio, and 37 10-pound boxes of frozen perch at Buffalo, N. Y., alleging that the articles had been shipped in interstate commerce on or about August 21 and September 22, 1941, and April 2, 1942, by New England Fillet Co., Inc., from Boston, Mass.; and charging that they were adulterated in that a portion of the perch consisted in whole or in part of a filthy substance, and in that the haddock and the remainder of the perch consisted in whole or in part of decomposed substances. The articles were labeled in part: "Ocean Perch \* \* \* Gloucester Seafoods Corp."; "Small Haddock \* \* \* Sea Crest Brand"; or "Sea Crest Brand Fish Frosted Fillets [rubber stamped "Ocean Perch"]".

On October 1 and November 26, 1941, and May 11, 1942, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

**2887. Adulteration of frozen perch. U. S. v. 90 Boxes of Frozen Perch. Default decree of condemnation and destruction.** (F. D. C. No. 5459. Sample No. 37085-E.)

Examination of this product disclosed the presence of parasites as well as of decomposition.

On August 30, 1941, the United States attorney for the Western District of North Carolina filed a libel against 90 10-pound boxes of frozen perch at Charlotte, N. C., alleging that the article had been shipped in interstate commerce on or about August 9, 1941, by Baxter & Kerr, Inc., from Gloucester, Mass.; and charging that it was adulterated in that it consisted in whole or in part of a filthy and decomposed substance.

On December 4, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2888. Adulteration of pollack fillets. U. S. v. 1,000 Boxes of Fillets. Consent decree of condemnation. Product released under bond for separation and salvage of fit portion.** (F. D. C. No. 4993. Sample No. 42573-E.)

On June 25, 1941, the United States attorney for the Western District of Pennsylvania filed a libel against 1,000 boxes of pollack fillets at Johnstown, Pa., alleging that the article had been shipped in interstate commerce on or about June 2, 1941, by Portland Fish Co. from Portland, Maine; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance.

On August 14, 1941, Portland Fish Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be salvaged under the supervision of the Food and Drug Administration by salting the good portion and disposing of the remainder for animal food.

**2889. Adulteration of frozen whiting. U. S. v. 194 Boxes of Frozen Fish. Default decree of condemnation and destruction.** (F. D. C. No. 5588. Sample No. 49717-E.)

On August 29, 1941, the United States attorney for the Eastern District of Louisiana filed a libel against 194 boxes of frozen whiting at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about July 22, 1941, by Atlantic Coast Fisheries from Gloucester, Mass.; and charging



that it was adulterated in that it consisted wholly or in part of a decomposed substance.

On October 27, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2890. Adulteration of frozen fish. U. S. v. 132 Boxes of Red Perch Fillets (and 2 other seizures of frozen fish). Default decrees of condemnation and destruction.** (F. D. C. Nos. 5431, 5926, 6030. Sample Nos. 29629-E, 43998-E, 74923-E.)

On August 22, September 30, and November 17, 1941, the United States attorneys for the District of Nebraska, Northern District of Ohio, and Northern District of New York filed libels against 132 10-pound boxes of red perch fillets at Omaha, Nebr., 29 10-pound boxes of frozen haddock at Utica, N. Y., and 1,304 boxes of frozen whiting at Cleveland, Ohio, alleging that the articles had been shipped in interstate commerce on or about August 6, September 18, and October 6, 1941, by Booth Fisheries Corporation or Booth Fisheries, Inc., from Boston and Provincetown, Mass.; and charging that they were adulterated in that they consisted in whole or in part of decomposed substances.

On October 30 and November 27, 1941, and January 13, 1942, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

**2891. Adulteration of frozen perch. U. S. v. 200 Boxes of Ocean Perch Fillets. Default decree of condemnation and destruction.** (F. D. C. No. 5621. Sample No. 52606-E.)

On September 5, 1941, the United States attorney for the Southern District of West Virginia filed a libel against 200 10-pound boxes of frozen perch at Huntington, W. Va., alleging that the article had been shipped in interstate commerce on or about August 18, 1941, by the Great A. & P. Tea Co. from Boston, Mass.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. It was labeled in part: "Fresh Ocean Perch Frosted Packed by Gorton-Pew Fisheries Co. Ltd. Gloucester, Mass."

On October 2, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. On October 15, 1941, the decree of October 2 was amended to provide for delivery of the product to a local hospital for use as fertilizer.

#### OYSTERS

Nos. 2892 to 2895 report the seizure and disposition of oysters that contained added water.

**2892. Adulteration of oysters. U. S. v. 85 Pints of Oysters. Default decree of condemnation and destruction.** (F. D. C. No. 6297. Sample No. 42798-E.)

On November 26, 1941, the United States attorney for the Western District of Pennsylvania filed a libel against 85 pints of oysters at Du Bois, Pa., alleging that the article had been shipped on or about November 18, 1941, by Miles Oyster Co. from Crisfield, Md.; and charging that it was adulterated. It was labeled in part: "Quality Brand Oysters."

The article was alleged to be adulterated in that water had been substituted in part for it; and in that water had been added thereto or mixed or packed therewith so as to increase its bulk or weight and reduce its quality.

On December 11, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2893. Adulteration of oysters. U. S. v. 163 Pints, 212 Pints, 290 Pints, 140 Pints, and 165 Pints of Oysters. Default decrees of condemnation and destruction.** (F. D. C. Nos. 6267, 6585. Sample Nos. 64391-E to 64393-E, incl., 87240-E to 87243-E, incl.)

On November 21 and December 23, 1941, the United States attorneys for the Southern District of West Virginia and the Northern District of Ohio filed libels against 745 pints of oysters at Charleston, W. Va., and 165 pints of oysters at Youngstown, Ohio, alleging that the article had been shipped on or about November 15 and 16 and December 15 and 17, 1941, by W. E. Riffin & Co. from Crisfield and Princess Anne, Md.; and charging that it was adulterated.

The article was alleged to be adulterated in that water had been substituted wholly or in part therefor; and in that water had been added thereto or mixed



or packed therewith so as to increase its bulk or weight, reduce its quality or strength, or make it appear better or of greater value than it was.

On November 29, 1941, and January 21, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**2894. Adulteration of oysters. U. S. v. 84 Pints of Oysters. Default decree of condemnation and destruction. (F. D. C. No. 6266. Sample No. 87238-E.)**

On November 21, 1941, the United States attorney for the Southern District of West Virginia filed a libel against 84 pints of oysters at Charleston, W. Va., alleging that the article had been shipped in interstate commerce on or about November 15, 1941, by W. E. Ward Oyster Co. from Crisfield, Md.; and charging that it was adulterated.

The article was alleged to be adulterated in that water had been substituted wholly or in part for it; and in that water had been added thereto or mixed or packed therewith, so as to increase its bulk or weight, reduce its quality or strength, or make it appear better or of greater value than it was.

On November 29, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2895. Adulteration of oysters. U. S. v. 296 Pints of Oysters. Default decree of condemnation and destruction. (F. D. C. No. 6270. Sample No. 64736-E.)**

On November 21, 1941, the United States attorney for the Western District of Pennsylvania filed a libel against 296 pints of oysters at Erie, Pa., alleging that the article had been shipped in interstate commerce on or about November 17, 1941, by the J. H. White Co. from Baltimore, Md.; and charging that it was adulterated. The article was labeled in part: "De Luxe Brand Salt Water Oysters."

It was alleged to be adulterated in that water had been substituted wholly or in part therefor; and in that water had been added thereto or mixed or packed therewith so as to increase its bulk or weight, reduce its quality or strength, or make it appear better or of greater value than it was.

On December 16, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**MISCELLANEOUS**

**2896. Adulteration of canned fish balls. U. S. v. 100 Cases of Canned Fish Balls. Default decree of condemnation and destruction. (F. D. C. No. 5995. Sample No. 58930-E.)**

This product was decomposed.

On October 8, 1941, the United States attorney for the District of Minnesota filed a libel against 100 cases of canned fish balls at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce on or about May 31, 1941, by Olaf Hertzwig Trading Co., Inc., from New York, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. It was labeled in part: (Cans) "Iceland Brand Fish-Balls in Bouillon Packed by Union of Icelandic Fish Producers. Reykjavik, Iceland."

On December 3, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2897. Adulteration of salt cod bits. U. S. v. 30 Cases and 19 Cartons of Cod Bits. Default decrees of condemnation and destruction. (F. D. C. Nos. 4718, 4722. Sample Nos. 31329-E, 42722-E.)**

This product was contaminated with rodent hairs and nondescript dirt.

On May 7 and 8, 1941, the United States attorneys for the Western Districts of New York and of Michigan filed libels against 30 20-pound cases of salt cod bits at Buffalo, N. Y., and 19 10-pound cartons of salt cod bits at Grand Rapids, Mich., alleging that the article had been shipped in interstate commerce within the period from on or about March 22 to on or about April 19, 1941, by the Great Atlantic & Pacific Tea Co. from Boston, Mass.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. It was labeled in part: "Cod Bits Packed by Collins-Lee Co."

On June 13 and 16, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.



**2898. Adulteration of smoked fish. U. S. v. 12 Boxes of Kipperd Herring and 12 Boxes of Finnan Haddies. Default decree of condemnation and destruction.** (F. D. C. No. 5612. Sample Nos. 59020-E, 59021-E.)

Examination of these products showed the presence of decomposed and maggoty fish.

On September 9, 1941, the United States attorney for the Eastern District of Virginia filed a libel against 24 boxes of smoked fish at Norfolk, Va., alleging that the articles had been shipped in interstate commerce on or about August 16, 1941, by Collins-Lee Co. from Chelsea, Mass.; and charging that they were adulterated in that they consisted in whole or in part of filthy and decomposed substances. The articles were labeled in part: "Walrus Brand Kipperd Herring"; and "Finnan Haddies."

On October 8, 1941, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

## FRUITS AND VEGETABLES

### FRESH FRUITS

Nos. 2899 to 2904 report the seizure and disposition of apples that bore spray residue containing arsenic and/or lead.

**2899. Adulteration of apples. U. S. v. 420 Bushels of Apples. Consent decree of condemnation. Product ordered released under bond to be cleansed.** (F. D. C. No. 6317. Sample No. 73249-E.)

On or about November 17, 1941, the United States attorney for the District of Kansas filed a libel against 420 bushels of apples at Kansas City, Kans., alleging that the article had been shipped in interstate commerce on or about October 8, 1941, by L. G. Brown from Griggsville, Ill.; and charging that it was adulterated in that it contained added poisonous or deleterious substances, i. e., arsenic and lead, which might have rendered it injurious to health. It was labeled in part: "Grown and Packed by Roy Biddle & Sons Griggsville, Ill."

On December 9, 1941, Michael, Swanson & Brady Produce Co., Kansas City, Mo., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be cleansed under the supervision of the Food and Drug Administration.

**2900. Adulteration of apples. U. S. v. 370 Bushels of Apples. Consent decree of condemnation. Product ordered released under bond for removal of deleterious substances.** (F. D. C. No. 6221. Sample No. 71544-E.)

On or about October 29, 1941, the United States attorney for the Eastern District of Missouri filed a libel against 370 bushels of apples at Hannibal, Mo., alleging that the article had been shipped in interstate commerce on or about October 11, 1941, by T. C. Coffman & Son from Barry, Ill.; and charging that it was adulterated in that it contained added poisonous or deleterious substances, i. e., arsenic and lead, which might have rendered it injurious to health.

On November 3, 1941, the claimant having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that all deleterious substances be removed therefrom under the supervision of the Food and Drug Administration.

**2901. Adulteration of apples. U. S. v. 455 Bushels of Apples. Consent decree of condemnation. Product ordered released under bond for removal of deleterious substances.** (F. D. C. No. 6334. Sample No. 71065-E.)

On November 6, 1941, the United States attorney for the Eastern District of Missouri filed a libel against 455 bushels of apples at Hannibal, Mo., alleging that the article had been shipped on or about September 24 and October 8, 1941, by Koeller Orchard from New Canton, Ill.; and charging that it was adulterated in that it contained added poisonous or deleterious substances, i. e., arsenic and lead, which might have rendered it injurious to health.

On November 22, 1941, the claimant having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that all deleterious substances be removed therefrom under the supervision of the Food and Drug Administration.



**2902. Adulteration of apples. U. S. v. 528 Bushels, 520 Bushels, 522 Bushels, and 515 Bushels of Apples. Consent decrees of condemnation. Product ordered released under bond to be reconditioned.** (F. D. C. Nos. 6209, 6220, 6318, 6319. Sample Nos. 71109-E, 71110-E, 73255-E, 73458-E.)

On October 31, 1941, the United States attorney for the Southern District of Iowa filed libels against 1,048 bushels of apples at Des Moines, Iowa, which had been consigned by the Schaper Products Co. from Valley City, Ill., on or about October 15 and 16, 1941. On November 15, 1941, the United States attorney for the Western District of Missouri filed libels against 1,037 bushels of apples at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about September 17 and 20, 1941, by Schaper Products Co. from Valley City, Ill.

The article was alleged to be adulterated in that it contained added poisonous or deleterious substances, i. e., arsenic and lead, which might have rendered it injurious to health.

On November 19 and 25, 1941, Schaper Products Co., claimant, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond to be reconditioned by cleansing or peeling.

**2903. Adulteration of apples. U. S. v. 2,825 Crates of Apples (and 10 other seizure actions against apples). Decrees of condemnation. Portion of product ordered destroyed; remainder ordered released under bond for removal of deleterious substances.** (F. D. C. Nos. 6162 to 6165, incl., 6331 to 6333, incl., 6335 to 6337, incl., 6377. Sample Nos. 58174-E, 58175-E, 71062-E, 71064-E, 71071-E to 71073-E, incl., 71521-E, 71526-E, 71527-E, 71530-E, 73456-E.)

On or about October 29 and November 4, 6, 15, and 22, 1941, the United States attorneys for the Eastern District of Missouri and the District of Kansas filed libels against 4,107 crates and 2,134 baskets of apples at Hannibal, Mo., and 440 bushels of apples at Kansas City, Kans., alleging that the article had been shipped within the period from on or about September 11 to on or about October 17, 1941, from Payson and Fall Creek, Ill., by Seymour Orchards, except one shipment in the name of H. M. Seymour. On or about November 12, 1941, the United States attorney for the Northern District of Iowa filed a libel against 24,000 pounds of apples at Waterloo, Iowa, which had been shipped by the Seymour Orchards on or about October 27, 1941.

The article was alleged to be adulterated in that it contained added poisonous or deleterious substances, i. e., arsenic and lead, which might have rendered it injurious to health.

On December 2, 1941, no claimant having appeared for the apples seized at Waterloo, Iowa, judgment of condemnation was entered and the product was ordered destroyed. On November 3 and 22 and December 9, 1941, the claimants for the apples seized at Hannibal, Mo., and Kansas City, Kans., having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond conditioned that all deleterious substances be removed therefrom under the supervision of the Food and Drug Administration.

**2904. Adulteration of apples. U. S. v. 50 Boxes of Apples. Default decree of condemnation. Product ordered delivered to charitable institutions.** (F. D. C. No. 6528. Sample No. 87264-E.)

This product contained an excessive amount of lead.

On December 4, 1941, the United States attorney for the Southern District of West Virginia filed a libel against 50 40-pound boxes of apples at Charleston, W. Va., alleging that the article had been shipped in interstate commerce on or about November 6, 1941, by Stadelman Fruit Co. from Wenatchee, Wash.; and charging that it was adulterated in that it contained an added poisonous or deleterious substance, namely, lead, which might have rendered it injurious to health. The article was labeled in part: (Boxes) "Ex. Fancy \* \* \* Rome Beauty \* \* \* Packed by B. M. C. Fruit Co. Inc. Wenatchee, Washington Stadelman's \* \* \* Extra Fancy."

On December 19, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions on condition that the apples be washed and cleaned as prescribed by the Food and Drug Administration.



**2905. Adulteration of blueberries. U. S. v. 4 Crates of Blueberries. Default decree of condemnation and destruction.** (F. D. C. No. 5371. Sample No. 74298-E.)

On August 6, 1941, the United States attorney for the Southern District of New York filed a libel against 4 crates, each containing 24 quarts, of blueberries at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 3, 1941, by R. Eldridge from Clarksburg, N. J.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance. The article was unlabeled.

On September 10, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2906. Adulteration of blueberries. U. S. v. 71 Crates of Blueberries. Default decree of condemnation and destruction.** (F. D. C. No. 5373. Sample No. 74301-E.)

On August 6, 1941, the United States attorney for the Southern District of New York filed a libel against 71 24-quart crates of blueberries at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 3, 1941, by Kostick Bros., from Hazleton, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed vegetable substance. The article was labeled in part: "Schuylkill County Pennsylvania Fancy Blueberries \* \* \* A-1."

On September 10, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2907. Adulteration of blueberries. U. S. v. 6 Crates of Blueberries. Default decree of condemnation and destruction.** (F. D. C. No. 5372. Sample No. 74300-E.)

On August 6, 1941, the United States attorney for the Southern District of New York filed a libel against 6 crates, each containing 24 unlabeled quart baskets, of blueberries at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 3, 1941, by John Massarelli from Hammonton, N. J.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed vegetable substance.

On September 10, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

#### FROZEN STRAWBERRIES

Nos. 2908 and 2909 report actions based on interstate shipments of frozen strawberries examination of which disclosed the presence of moldy berries.

**2908. Adulteration of frozen strawberries. U. S. v. R. D. Bodle Co. Plea of guilty. Fine, \$500 and costs.** (F. D. C. No. 5522. Sample Nos. 47416-E, 47420-E.)

On January 7, 1942, the United States attorney for the Western District of Washington filed an information against R. D. Bodle Co., a corporation at Seattle, Wash., alleging shipment on or about December 9, 1940, from the State of Washington into the State of Illinois, of a quantity of frozen strawberries that were adulterated in that they consisted in whole or in part of a decomposed substance. The article was labeled in part: "Marshall Strawberries."

On January 7, 1942, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$500 and costs.

**2909. Adulteration of frozen strawberries. U. S. v. 19 Barrels of Frozen Strawberries. Consent decree of condemnation and destruction.** (F. D. C. No. 5680. Sample No. 61534-E.)

On September 11, 1941, the United States attorney for the Western District of Washington filed a libel against 19 barrels of frozen strawberries at Sumner, Wash., alleging that the article had been shipped in interstate commerce within the period from on or about May 30 to on or about June 14, 1941, by Washington Packers, Inc., from Rainier, Oreg.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. It was labeled in part: "Dewkist Brand Strawberries Straight Unclassified."

On December 15, 1941, the Washington Packers, Inc., having appeared as claimant, the court granted the claimant's motion for a bill of particulars. However, on January 26, 1942, the claimant having withdrawn its claim and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.



## CANNED FRUITS AND VEGETABLES

Nos. 2910 to 2912 report the seizure and disposition of canned blackberries examination of which disclosed the presence of moldy berries.

**2910. Adulteration of canned blackberries. U. S. v. 85 Cartons of Canned Blackberries. Default decree of condemnation and destruction.** (F. D. C. No. 6600. Sample No. 85718-E.)

On December 26, 1941, the United States attorney for the District of Idaho filed a libel against 85 cartons of canned blackberries at Boise, Idaho, alleging that the article had been shipped in interstate commerce on or about October 25, 1941, by Nalley's, Inc., from Tacoma, Wash.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Can) "Spencerian Brand Blackberries \* \* \* Spencer Packing Co. Lebanon, Oregon."

On January 22, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2911. Adulteration of canned blackberries. U. S. v. 86 Cases and 436 Cases of Canned Blackberries. Portion of product ordered released under bond for segregation and destruction of unfit berries; remaining lot condemned and ordered destroyed.** (F. D. C. Nos. 6153, 6713. Sample Nos. 61458-E, 73378-E.)

On or about November 5, 1941, and January 20, 1942, the United States attorneys for the District of Idaho and the Western District of Missouri filed libels against 86 cases each containing 6 No. 10 cans of blackberries at Boise, Idaho, and 436 cases each containing 6 No. 10 cans of blackberries at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about September 3 and 20, 1941, by Olympia Canning Co. from Olympia, Wash.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Olympia Blackberries in Water"; or "Pickwick Distributed by Pickwick Products, Inc. Kansas City, Mo. Blackberries Water Pack."

On December 22, 1941, no claimant having appeared for the blackberries at Boise, judgment of forfeiture was entered and the product was ordered destroyed. On March 23, 1942, Olympia Canning Co., claimant for the blackberries at Kansas City, having admitted the allegations of the libel, judgment was entered ordering that the product be released under bond for segregation and destruction of the unfit portion.

**2912. Adulteration of canned blackberries. U. S. v. 48 Cases of Canned Blackberries. Default decree of condemnation and destruction.** (F. D. C. No. 6290. Sample No. 53762-E.)

On November 24, 1941, the United States attorney for the Southern District of California filed a libel against 48 cases, each containing 6 cans, of blackberries at Long Beach, Calif., alleging that the article had been shipped in interstate commerce on or about August 31, 1941, by Western Oregon Packing Corporation from Corvallis, Oreg.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Heart of the Valley Brand Blackberries \* \* \* Net Weight 6 Lb. 7 Oz."

On December 22, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2913. Adulteration of canned cherries. U. S. v. 30 Cases of Canned Cherries. Consent decree of forfeiture and destruction.** (F. D. C. No. 5954. Sample No. 61064-E.)

Examination showed that this product contained maggots.

On October 1, 1941, the United States attorney for the Territory of Hawaii filed a libel against 30 cases, each containing 6 No. 10 cans, of cherries at Honolulu, T. H., which had been consigned by Pacific Northwest Canning Co., alleging that the article had been shipped on or about September 10, 1941, from Puyallup, Wash.; and charging that it was adulterated in that it was in whole or in part filthy, putrid, or decomposed, and was otherwise unfit for food. The article was labeled in part: "Famous Puyallup Brand Water Pack Pitted Red Sour Cherries."

On November 14, 1941, the claimant having admitted the allegations of the libel, judgment of forfeiture was entered and the product was ordered destroyed.



**2914. Misbranding of canned peaches. U. S. v. 162 Cases of Canned Peaches. Consent decree of condemnation. Product released under bond for relabeling. (F. D. C. No. 6149. Sample Nos. 37580-E, 37582-E.)**

This product was substandard because of lack of uniformity in size and failure to trim the halves so as to preserve normal shape.

On or about November 5, 1941, the United States attorney for the Northern District of Georgia filed a libel against 162 cases of canned peaches at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about October 8, 1941, by Colonial Stores, Inc., from Greenville, S. C.; and charging that it was misbranded. The article was labeled in part: (Cans) "Cedar Rock Brand Yellow Peeled Freestone Peaches Halves in Water."

The article was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard in that the weight of the largest unit in the container was more than twice the weight of the smallest unit therein, and all of the units were not trimmed so as to preserve normal shape, and its label failed to bear, in such manner and form as the regulations specify, a statement that it fell below such standard.

On January 5, 1942, J. A. Jones, Easley, S. C., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

**2915. Misbranding of canned peaches. U. S. v. 398 Cases of Peaches. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 6150. Sample No. 71213-E.)**

This product was substandard in quality because all units were not untrimmed or so trimmed as to preserve normal shape.

On November 5, 1941, the United States attorney for the Western District of Tennessee filed a libel against 398 cases of canned peaches at Memphis, Tenn., alleging that the article had been shipped in interstate commerce on or about August 18, 1941, by Nelson Canning Co., Inc., from Springdale, Ark.; and charging that it was misbranded. The article was labeled in part: (Cans) "Nelson Brand Yellow Halves Freestone Peaches Packed in Heavy Syrup."

The article was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law and its quality fell below such standard and the labels on the cans failed to bear in such manner and form as such regulations specify, a statement that it fell below such standard.

On December 17, 1941, Nelson Canning Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled under the supervision of the Food and Drug Administration. The product was relabeled with the exception of the 109 cans which were ordered delivered to charitable institutions on April 18, 1942.

**2916. Misbranding of canned peaches. U. S. v. 134 Cases and 698 Cases of Canned Peaches. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 5886. Sample Nos. 70102-E, 70103-E.)**

Both lots of this product fell below the standard of quality for canned peaches because the halves were of mixed sizes and were unevenly trimmed. One lot also exceeded the tolerance for blemishes, and the other lot contained units that were not tender.

On September 30, 1941, the United States attorney for the Western District of North Carolina filed a libel against 832 cases, each containing 24 cans, of peaches at Charlotte, N. C., alleging that the article had been shipped on or about August 9, 12, and 15, 1941, by Southern State Canning Co. from Fort Valley, Ga.; and charging that it was misbranded. It was labeled in part: "Oak Hill [or "Pride of Georgia"] \* \* \* Peaches."

The article was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard in that (both brands) the weight of the largest unit in the container was more than twice the weight of the smallest unit therein and the units were not untrimmed or so trimmed as to preserve their normal shape, (Oak Hill brand only) more than 20 percent of the units in the container were blemished, and (Pride of Georgia brand only) some units were excessively hard when tested in accordance with the method prescribed



in the standard; and its label failed to bear in such manner and form as the regulations specify, a statement that it fell below such standard.

On November 24, 1941, Southern State Canning Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

**2917. Misbranding of canned peaches. U. S. v. 397 Cases and 100 Cases of Canned Peaches. Consent decrees of condemnation. Product ordered released upon deposit of collateral. (F. D. C. Nos. 6340, 6341. Sample No. 87234-E.)**

This product fell below the standard of quality for canned peaches because all of the peaches were not tender, they were of mixed sizes, and they were unevenly trimmed.

On December 4, 1941, the United States attorney for the Southern District of West Virginia filed libels against 497 cases, each containing 24 cans, of peaches at Charleston, Beckley, and Oak Hill, W. Va., alleging that the article had been shipped on or about October 16, 1941, by Ikenberry Canning Co. from Daleville, Va.; and charging that it was misbranded. It was labeled in part: (Cans) "Southern Beauty Brand \* \* \* Peaches."

The article was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard and its label failed to bear in such manner and form as the regulations specify, a statement that it fell below such standard.

On December 8, 1941, Ikenberry Canning Co., claimant, having admitted the allegations of the libels, judgments were entered ordering that the product be released upon deposit of collateral conditioned that it be relabeled under the supervision of the Food and Drug Administration.

**2918. Misbranding of canned peaches. U. S. v. 338 Cases of Canned Peaches. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 5997. Sample No. 11328-E.)**

This product fell below the standard of quality for canned peaches because the halves were smaller than the minimum size prescribed for peach halves of standard quality, and they were of mixed sizes and were unevenly trimmed.

On October 8, 1941, the United States attorney for the Southern District of Texas filed a libel against 333 cases, each containing 24 No. 2 cans, of peaches at Houston, Tex., alleging that the article had been shipped on or about August 27, 1941, by Roberts Bros., Inc., from Americus, Ga.; and charging that it was misbranded. It was labeled in part: "Oak Grove Brand \* \* \* Peaches."

The article was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard in that (1) the weight of some units was less than  $\frac{3}{5}$  ounce; (2) the weight of the largest unit in the container was more than twice the weight of the smallest unit therein; and (3) all units were not untrimmed or so trimmed as to preserve their normal shape; and its label failed to bear in such manner and form as the regulations specify, a statement that it fell below such standard.

On December 8, 1941, Roberts Bros., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

**2919. Misbranding of canned pears. U. S. v. 100 Cases and 98 Cases of Canned Pears. Consent decrees of condemnation. Product ordered released under bond to be relabeled. (F. D. C. Nos. 3532, 6047. Sample Nos. 32711-E, 53632-E.)**

Examination showed that this product was substandard because the weight of the largest unit in the container was more than twice the weight of the smallest unit; more than 20 percent of the units in the container were discolored; and all units were not untrimmed or so trimmed as to preserve their normal shape.

On December 17, 1940, and October 24, 1941, the United States attorneys for the District of Massachusetts and the Eastern District of Pennsylvania filed libels against 100 cases each containing 24 cans of pears at Boston, Mass., and 98 cases each containing 24 cans of pears at Philadelphia, Pa., alleging that the article had been shipped on or about November 14, 1940, and September 30, 1941, by the Empire Freight Co. from Los Angeles, Calif.; and charging that it was misbranded



in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard and its label failed to bear in such manner and form as the regulations specify, a statement that it fell below such standard. The article was labeled in part: (Cans) "Golden Flow Brand Whole Peeled Pears in Heavy Syrup \* \* \* Packed By Pure Foods Corp., Los Angeles, Calif."

On January 30 and November 17, 1941, Pure Foods Corporation, Los Angeles, Calif., having appeared as claimant, judgments of condemnation were entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

**2920. Misbranding of canned corn. U. S. v. 720 Cases of Canned Corn. Consent decree of condemnation. Product released under bond for relabeling.**  
(F. D. C. No. 6242. Sample No. 74571-E.)

This product was not of Fancy quality because it was too mature.

On or about November 21, 1941, the United States attorney for the District of New Jersey filed a libel against 720 cases of canned corn at Newark, N. J., alleging that the article was shipped in interstate commerce on or about October 9, 1941, by the Chippewa Canning Co. from Chippewa Falls, Wis.; and charging that it was misbranded. The article was labeled in part: (Cans) "Uco Fancy Golden Bantam Whole Kernel Corn \* \* \* Uco Food Corp. Newark, N. J. Distributors."

It was alleged to be misbranded in that the term "Fancy" was false and misleading as applied to an article that was not of Fancy quality because it was too mature.

On December 15, 1941, the Uco Food Corporation, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

**2921. Misbranding of canned corn. U. S. v. 201 Cases of Canned Corn. Consent decree of condemnation. Product released under bond to be relabeled.**  
(F. D. C. No. 5269. Sample No. 62157-E.)

Examination showed that this product was not of Grade A or Fancy quality, as labeled.

On August 7, 1941, the United States attorney for the Northern District of Illinois filed a libel (amended October 31, 1941, nunc pro tunc as of August 7, 1941) against 201 cases of canned corn at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about April 19 and 24, and May 7 and 14, 1941, by Columbia Canning Co. from Cambria, Wis.; and charging that it was misbranded in that the terms "Grade A," "Fancy," and "Its All Fancy Quality," were false and misleading as applied to corn of Grade B quality. It was labeled in part: "Grade A Kroger's Country Club Quality Brand Fancy Whole Kernel Yellow Corn."

On September 17, 1941, Kroger Grocer & Baking Co., Chicago, Ill., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled under the supervision of the Food and Drug Administration.

**2922. Misbranding of canned corn. U. S. v. 999 Cases of Canned Corn. Consent decree of condemnation. Product released under bond for relabeling.**  
(F. D. C. No. 6247. Sample No. 74570-E.)

This product was not of Fancy quality because of overmaturity and pasty, almost dry consistency, of the kernels.

On or about November 21, 1941, the United States attorney for the District of New Jersey filed a libel against 999 cases of canned corn at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about October 24, 1941, by the Empire State Canning Co. from Stacy Basin, N. Y.; and charging that it was misbranded in that the term "Fancy" was false and misleading as applied to corn that was not of Fancy quality. The article was labeled in part: (Can) "Uco Our Best Grade Fancy Cream Style Golden Sweet Corn \* \* \* Uco Food Corp., Newark, N. J. Distributors."

On January 9, 1942, the Uco Food Corporation, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.



**2923. Misbranding of canned corn. U. S. v. 160 Cases of Canned Corn. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 6397. Sample No. 79133-E.)**

Examination showed that this product was not of Fancy quality because it was overmature.

On December 11, 1941, the United States attorney for the Southern District of Ohio filed a libel against 160 cases, each containing 24 No. 2 cans, of corn at Cincinnati, Ohio, which had been consigned on or about November 19, 1941, alleging that the article had been shipped in interstate commerce by Morgan-Adams Co., Inc., from Cayuga, Ind.; and charging that it was misbranded in that the term "Fancy," appearing on the label, was false and misleading as applied to an article that was not of Fancy quality because it was too mature. It was labeled in part: "Wabash Gold Fancy Golden Cross Bantam Corn."

On December 23, 1941, Morgan-Adams Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

**2924. Misbranding of canned peas. U. S. v. 1,665 Cases of Canned Peas. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 6104. Sample No. 16882-E.)**

This product fell below the standard of quality for canned peas because of the presence of excessive pea pods and other harmless extraneous vegetable material. It also fell below the standard for fill of container.

On or about November 4, 1941, the United States attorney for the Western District of Missouri filed a libel against 1,665 cases, each containing 24 No. 2 cans, of peas at Kansas City, Mo., alleging that the article had been shipped on or about October 1, 1941, by Lapel Canning Co. from Lapel, Ind.; and charging that it was misbranded. It was labeled in part: "Lapel Brand Early June Peas."

The article was alleged to be misbranded (1) in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard and its label failed to bear, in such manner and form as the regulations specify, a statement that it fell below such standard; and (2) in that it purported to be a food for which a standard of fill of container had been prescribed by regulations as provided by law, but it fell below the standard of fill of container applicable thereto, and its label failed to bear, in such manner and form as the regulations specify, a statement that it fell below such standard.

On December 30, 1941, Lapel Canning Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

**2925. Misbranding of canned peas. U. S. v. 299 Cases and 636 Cases of Canned Peas. Consent decrees of condemnation. Product ordered released under bond to be relabeled. (F. D. C. Nos. 6509, 6510. Sample Nos. 79048-E, 79050-E.)**

This product fell below the standard of quality for canned peas because of excessive mealiness, as evidenced by the fact that the alcohol-insoluble solids were more than 23.5 percent, and they were not labeled to indicate that they were of substandard quality.

On December 13 and 16, 1941, the United States attorneys for the Eastern District of Kentucky and the Southern District of Ohio filed libels against 636 cases each containing 24 No. 2 cans of peas at Cincinnati, Ohio, which had been consigned on or about October 10 and 20, 1941, and 299 cases each containing 24 No. 2 cans of peas at Covington, Ky., alleging that the article had been shipped in interstate commerce by Morgan-Adams Co. from Cayuga, Ind., the 299 cases at Covington on or about August 18, 1941; and charging that it was misbranded. It was labeled in part: "Daisy Brand \* \* \* Early June Peas."

The article was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard and its label failed to bear in such manner and form as the regulations specify, a statement that it fell below such standard.

On December 23, 1941, and January 14, 1942, Morgan-Adams Co. having appeared as claimant, judgments of condemnation were entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.



**2926. Misbranding of canned peas. U. S. v. 806 Cases of Canned Peas (and 3 other seizure actions against canned peas). Decrees of condemnation. Portion of product ordered released under bond to be relabeled; remainder ordered delivered to charitable institutions.** (F. D. C. Nos. 6082, 6126, 7123, 7125. Sample Nos. 40770-E, 40869-E, 80173-E, 87468-E.)

This product fell below the standard of quality for canned peas because of excessive mealiness.

Between October 28, 1941, and April 3, 1942, the United States attorneys for the District of New Jersey, Eastern District of Pennsylvania, Northern District of Ohio, and Southern District of West Virginia filed libels against the following quantities of canned peas: 806 cases each containing 24 No. 2 cans at Atlantic City, N. J.; 348 cases each containing 24 No. 2 cans at Philadelphia, Pa.; 36 cases each containing 24 No. 2 cans at Elyria, Ohio; and 60 cases each containing 24 No. 2 cans at Charleston, W. Va., alleging that the article had been shipped within the period from on or about July 11 to on or about December 3, 1941, by Phillips Packing Co. or Phillips Sales Co., Inc., from Newark, Del., and Cambridge, Md.; and charging that it was misbranded. It was labeled in part: (Cans) "Choptank [or "Phillips Delicious"] Early June Peas."

The article was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard in that the alcohol-insoluble solids were more than 23.5 percent and its label did not bear in such manner and form as the regulations specify, a statement that it fell below such standard.

On November 19 and December 15, 1941, Phillips Packing Co. having appeared as claimant for the seizures at Atlantic City and Philadelphia, judgments of condemnation were entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration. On April 17 and May 21, 1942, no claimant having appeared for the seizures at Elyria and Charleston, judgments of condemnation were entered and it was ordered that the labels be removed and the product distributed to charitable organizations.

**2927. Adulteration of canned spinach. U. S. v. 99 Cases of Canned Spinach. Default decree of condemnation and destruction.** (F. D. C. No. 5438. Sample No. 67062-E.)

This product contained insects and insect fragments.

On August 26, 1941, the United States attorney for the Western District of Tennessee filed a libel against 99 cases, each containing 24 cans, of spinach at Memphis, Tenn., alleging that the article had been shipped in interstate commerce on or about July 16, 1941, by Donelson & Poston from Barton, Ark.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance which rendered it unfit for food. The article was labeled in part: "Wilson Spinach \* \* \* 1 Lb. 2 Ozs. Packed by Wilson Company Barton Arkansas."

On December 31, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

#### TOMATOES AND TOMATO PRODUCTS

**2928. Adulteration of canned tomatoes. U. S. v. 203 Cases of Canned Tomatoes. Default decree of condemnation and destruction.** (F. D. C. No. 4216. Sample No. 60537-E.)

This product contained decomposed material, as evidenced by the presence of mold.

On April 3, 1941, the United States attorney for the District of Montana filed a libel against 203 cases, each containing 6 No. 10 cans, of tomatoes at Missoula, Mont., alleging that the article had been shipped in interstate commerce on or about October 4 and December 18, 1940, by H. D. Olson from Ogden, Utah; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Craig's Perfection Brand Tomato in Puree."

On October 4, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2929. Misbranding of canned tomatoes. U. S. v. 322 Cases of Canned Tomatoes. Consent decree of condemnation. Product released under bond for relabeling.** (F. D. C. No. 6175. Sample No. 87103-E.)

This product was substandard in quality because of excessive peel.

On November 5, 1941, the United States attorney for the District of Columbia filed a libel against 322 cases of canned tomatoes at Washington, D. C., alleging



that the article had been shipped in interstate commerce on or about October 9, 1941, by J. W. Welch Co., Inc., from Downings, Va.; and charging that it was misbranded. The article was labeled in part: (Cans) "Evenripe Brand Tomatoes."

It was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard because the peel per pound of tomatoes in the container covered an area of more than 1 square inch, and its label failed to bear, in such manner and form as the regulations specify, a statement that it fell below such standard.

On November 24, 1941, J. W. Welch Co., Inc., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

**2930. Misbranding of canned tomatoes. U. S. v. 997 Cases of Canned Tomatoes. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 6048. Sample No. 79503-E.)**

This product was substandard because of the presence of excessive peel.

On October 21, 1941, the United States attorney for the Southern District of Ohio filed a libel against 997 cases of canned tomatoes at Columbus, Ohio, alleging that the article had been shipped in interstate commerce on or about September 11 and 13, 1941, by the Jaqua Co. from Winchester, Ind.; and charging that it was misbranded. It was labeled in part: "Jaqua Hand Packed Tomatoes Contents 1 Lb. 12 Oz."

The article was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law but its quality fell below such standard because the peel per pound of tomatoes in the container covered more than 1 square inch and its label failed to bear, in such manner and form as the regulations specify, a statement that it fell below such standard.

On or about November 24, 1941, the Jaqua Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled under the supervision of the Food and Drug Administration.

**2931. Misbranding of canned tomatoes. U. S. v. 20 Cases and 36 Cases of Canned Tomatoes. Default decrees. Product ordered delivered to charitable institutions. (F. D. C. Nos. 6183, 6644. Sample Nos. 42779-E, 48796-E.)**

This product fell below the standard of quality for canned tomatoes because the drained weight was less than 50 percent of the weight of the water required to fill the container.

On or about November 8, 1941, and January 7, 1942, the United States attorneys for the Western District of Pennsylvania and the Southern District of Florida filed libels against 20 cases each containing 24 cans of tomatoes at Mount Pleasant, Pa., and 36 cases each containing 24 cans of tomatoes at Miami, Fla., alleging that the article had been shipped on or about September 3 and October 7, 1941, by the H. J. McGrath Co. from Baltimore, Md.; and charging that it was misbranded. It was labeled in part: (Cans) "McGrath's Tomatoes \* \* \* McGrath's Champion Brand," or "Saint Elmo Brand Tomatoes."

The article was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard and its label failed to bear, in such manner and form as the regulations specify, a statement that it fell below such standard.

On December 11, 1941, and April 21, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered delivered to charitable institutions for their use but not for sale.

**2932. Misbranding of canned tomatoes. U. S. v. 247 Cases of Canned Tomatoes. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 6326. Sample No. 23236-E.)**

This product fell below the standard of quality for canned tomatoes because the drained weight was less than 50 percent of the weight of the water required to fill the container.

On December 4, 1941, the United States attorney for the District of Oregon filed a libel against 247 cases, each containing 24 cans, of tomatoes at Portland, Oreg., alleging that the article had been shipped on or about November 15, 1941, by Walter M. Field & Co. from San Francisco, Calif.; and charging that it was



misbranded. It was labeled in part: (Cans) "Pheasant Brand Tomatoes \* \* \* Distributed by Wadhams & Company Portland Oregon."

The article was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard and its label failed to bear in such manner and form as the regulations specify, a statement that it fell below such standard.

On December 29, 1941, Walter M. Field & Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

**2933. Adulteration of tomato puree. U. S. v. 996 Cases of Tomato Puree. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of unfit portion.** (F. D. C. No. 4994. Sample No. 58209-E.)

Examination showed this product to contain decomposed material, as evidenced by the presence of excessive mold.

On June 25, 1941, the United States attorney for the District of Minnesota filed a libel against 996 cases of tomato puree at Austin, Minn., alleging that the article had been shipped in interstate commerce on or about May 16, 1941, by Crampton Canneries, Inc., from Celina, Ohio; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. It was labeled in part: "Crampton Canneries Tomato Puree."

On September 17, 1941, Crampton Canneries, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that the good portion be segregated from the bad under supervision of the Food and Drug Administration. On December 15, 1941, judgment was entered ordering the return of the fit portion to the shipper and destruction of the remainder.

**2934. Adulteration of tomato puree and tomato juice. U. S. v. 297 Cartons of Tomato Puree and 800 Cartons of Tomato Juice. Default decrees of condemnation and destruction.** (F. D. C. Nos. 6044, 6089. Sample Nos. 62288-E, 62289-E.)

The tomato puree contained excessive mold, and the tomato juice was undergoing progressive decomposition.

On October 21 and 28, 1941, the United States attorney for the Northern District of Illinois filed libels against 297 cartons each containing 6 No. 10 cans of tomato puree and 800 cartons each containing 6 3-quart cans of tomato juice at Chicago, Ill., alleging that the articles had been shipped in interstate commerce on or about September 23 and 27, 1941, by Salamonie Packing Co. from Warren, Ind.; and charging that it was adulterated in that it consisted in whole or in part of decomposed substances. The articles were labeled in part: "Barco Brand Tomato Puree \* \* \* Distributors B. A. Railton Co. Chicago, Ill. Milwaukee, Wis."; and "Altman Brand Tomato Juice \* \* \* Distributed by Sprague, Warner & Company Chicago, Ill."

On December 22, 1941, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

**2935. Adulteration of tomato juice. U. S. v. 248 Cases of Tomato Juice. Consent decree of condemnation and destruction.** (F. D. C. No. 6280. Sample No. 62298-E.)

Examination showed that this product contained decomposed material, as evidenced by the presence of excessive mold.

On November 26, 1941, the United States attorney for the Northern District of Illinois filed a libel against 248 cases, each containing 6 No. 10 unlabeled cans, of tomato juice at Chicago, Ill., alleging that the article had been shipped on or about October 20, 1941, by Indiana Packing Co. from Royal Center, Ind.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On December 29, 1941, the claimant having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

**2936. Misbranding of tomato juice. U. S. v. 48 Cases of Tomato Juice. Default decree of condemnation and destruction.** (F. D. C. No. 5146. Sample No. 53400-E.)

This product was short of the declared volume.

On July 21, 1941, the United States attorney for the District of Arizona filed a libel against 48 cases, each containing 72 cans, of tomato juice at Phoenix, Ariz., alleging that the article had been shipped on or about June 2, 1941, by



Val Vita Food Products, Inc., from Fullerton, Calif.; and charging that it was misbranded. It was labeled in part: (Cans) "Net Contents  $7\frac{1}{4}$  Fld. Ozs. or .21438 Liters [or " $7\frac{3}{4}$  Ozs. or 219.9 Grams"] Val Vita Brand Fancy Tomato Juice [or "Spanish Style Tomato Sauce"]."

The article was alleged to be misbranded (1) in that the statements, "Net Contents  $7\frac{1}{4}$  Fld. Ozs. or .21438 Liters" and "Net Contents  $7\frac{3}{4}$  Ozs. or 219.9 Grams \* \* \* Spanish Style Tomato Sauce," were false and misleading since the cans contained less than those amounts of tomato juice; and (2) in that it was in package form and did not bear an accurate statement of the quantity of the contents.

On October 6, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2937. Adulteration of tomato sauce and adulteration and misbranding of tomato paste. U. S. v. 81 Cases of Tomato Paste and 49 Cases of Tomato Sauce (and 6 other seizure actions against tomato paste). Default decrees of condemnation. Tomato sauce and portion of tomato paste ordered destroyed; remainder of tomato paste ordered distributed to local charitable agencies.** (F. D. C. Nos. 4248, 4635, 4636, 4696, 4697, 4721, 4778. Sample Nos. 22409-E, 22410-E, 22522-E, 22523-E, 22526-E, 22527-E, 22540-E, 22541-E.)

The tomato sauce and the tomato paste, with the exception of one lot, were contaminated with worm and insect fragments. Portions of the tomato paste also failed to conform to the definition and standard of identity for tomato paste in that they contained less than 25 percent of salt-free tomato solids.

Between April 7 and May 16, 1941, the United States attorneys for the Southern District of New York and the Districts of Rhode Island and Massachusetts filed libels against 49 cases, each containing 72 8-ounce cans, of tomato sauce at New York, N. Y., and the following quantities of tomato paste—131 cases each containing 100 6-ounce cans at New York, N. Y.; 598 cases each containing 100 6-ounce cans at Providence, R. I.; and 50 cases each containing 100 6-ounce cans at Boston and 25 cases each containing 100 6-ounce cans at New Bedford, Mass., alleging that the articles had been shipped by the Hollister Canning Co. from Hollister and Oakland, Calif., within the period from on or about February 21 to on or about March 30, 1941; and charging that the tomato sauce and portions of the tomato paste were adulterated and that portions of the tomato paste were also misbranded. They were labeled in part: "San Benito Brand Naples Style Tomato Paste"; and "Hollister Brand \* \* \* Spanish Style Tomato Sauce."

The tomato paste, with the exception of one portion (199 cases) of that seized at Providence, and the tomato sauce were alleged to be adulterated in that they consisted in whole or in part of filthy substances.

Portions of the tomato paste were alleged to be misbranded for the reasons appearing above.

Between April 26 and July 8, 1941, no claimant having appeared for any of the products, judgments of condemnation were entered and the tomato sauce and the tomato paste, with the exception of the portion seized at Providence that was not adulterated, were ordered destroyed. On June 13, 1941, the unadulterated portion of the tomato paste was ordered distributed to local charitable agencies.

#### OTHER FRUIT AND VEGETABLE PRODUCTS

**2938. Adulteration and misbranding of preserves. U. S. v. 20 Cases of Preserves. Default decree of condemnation and destruction.** (F. D. C. No. 5112. Sample No. 53904-E.)

Examination showed that this product was deficient in fruit, and the soluble solids content was less than 68 percent.

On July 21, 1941, the United States attorney for the District of Arizona filed a libel against 20 cases, each containing 12 2-pound jars of strawberry preserves at Kingman, Ariz., alleging that the article had been shipped in interstate commerce on or about April 18, 1941, by Golden West Products Co. from Los Angeles, Calif.; and charging that it was adulterated and misbranded. It was labeled in part: "Bonnie Brae Brand Pure Strawberry Preserves."

The article was alleged to be adulterated in that an imitation strawberry preserve, deficient in fruit and soluble solids, had been substituted wholly or in part for strawberry preserves.

It was alleged to be misbranded (1) in that the name "Pure Strawberry Preserves" was false and misleading as applied to an article that was deficient



in fruit and soluble solids; (2) in that it was an imitation of another food and its label failed to bear in type of uniform size and prominence the word "imitation" and immediately thereafter the name of the food imitated; and (3) in that it purported to be a food for which a definition and standard of identity had been prescribed by regulations as provided by law, but it failed to conform to such definition and standard since it was deficient in fruit and soluble solids.

On October 8, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2939. Adulteration and misbranding of jams. U. S. v. 273 Cases and 310½ Cases of Jam. Consent decree of condemnation. Products ordered released under bond to be relabeled. (F. D. C. No. 6281. Sample No. 38700-E.)**

Examination showed that these products did not contain one of the fruit ingredients required by the standards of identity for apple-strawberry and apple-raspberry jams, namely, apple; and it also failed to contain the proportion of fruit required by the standard.

On November 29, 1941, the United States attorney for the District of Minnesota filed a libel against 273 cases each containing 12 cans of apple-strawberry jam and 310½ cases each containing 12 cans of apple-raspberry jam at Minneapolis, Minn., alleging that the articles had been shipped in interstate commerce on or about April 30, August 14, and September 27, 1941, by Oelerich & Berry Co. from Chicago, Ill.; and charging that they were adulterated and misbranded. They were labeled in part: "Barefoot Boy Apple-Strawberry [or "Apple-Raspberry"] Jam."

The articles were alleged to be adulterated in that an imitation strawberry jam and an imitation raspberry jam had been substituted for apple-strawberry jam and apple-raspberry jam, respectively, as defined in the definition and standard of identity for apple-strawberry jam and apple-raspberry jam prescribed by regulations as provided by law.

They were alleged to be misbranded (1) in that the names "Apple-Strawberry Jam" and "Apple-Raspberry Jam" were false and misleading as applied to an article that did not contain one of the fruit ingredients required by the definition and standard, namely, apple; (2) in that each was offered for sale under the name of another food; (3) in that they were imitations of other foods, i. e., strawberry jam and raspberry jam, as defined in the definition and standard, and their labels failed to bear in type of uniform size and prominence the word "imitation" and immediately thereafter the name of the food imitated; and (4) in that they were represented to be apple-strawberry jam and apple-raspberry jam, foods for which a definition and standard of identity had been prescribed, and they failed to conform to such standard, since they contained less than 45 parts by weight of the fruit ingredient to 55 parts by weight of the saccharine ingredient (as defined in the standard), and since the weight of one of the foods named, i. e., apple, was less than one-fifth of the weight of the combination of fruits named in such foods.

On December 17, 1941, Oelerich & Berry Co., claimant, having admitted the material allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

**2940. Adulteration of strawberry preserves. U. S. v. 190 Cases of Strawberry Preserves. Default decree of condemnation and destruction. (F. D. C. No. 5998. Sample No. 61555-E.)**

Examination of this product showed the presence of moldy berries.

On October 20, 1941, the United States attorney for the Southern District of New York filed a libel against 190 cases of strawberry preserves at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about September 16, 1941, by the Tea Garden Products Co. from Seattle, Wash.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Jars) "Tea Garden Strawberry Preserves."

On November 14, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2941. Adulteration of dill pickles. U. S. v. 50 Barrels of Dill Pickles. Consent decree of condemnation. Product ordered released under bond to be reconditioned. (F. D. C. No. 6205. Sample No. 54255-E.)**

Examination showed that this product contained rodent hair and insect fragments.



On November 12, 1941, the United States attorney for the Eastern District of Pennsylvania filed a libel against 50 barrels of dill pickles at Philadelphia, Pa., alleging that the article had been shipped on or about September 22, 1941, by H. M. Field, Inc., from Denton, Md.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On December 22, 1941, H. M. Field, Inc., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be reconditioned under the supervision of the Food and Drug Administration. The pickles were removed from the brine, washed thoroughly, and replaced in a brine of water and salt.

**2942. Misbranding of soy sauce. U. S. v. 25 Cases of Chinese Soy Sauce. Default decree of forfeiture and destruction.** (F. D. C. No. 5936. Sample No. 60867-E.)

This product was short of the declared volume, and the label failed to bear the required ingredient statement.

On October 6, 1941, the United States attorney for the District of Idaho filed a libel against 25 cases, each containing 12 bottles, of Chinese soy sauce at Boise, Idaho, alleging that the article had been shipped in interstate commerce on or about September 12, 1941, by Tsue Chong Co. from Seattle, Wash.; and charging that it was misbranded. It was labeled in part: "Real Chinese Made Rose Brand Chinese Soy Sauce \* \* \* Contents—6 fluid ounces."

The article was alleged to be misbranded (1) in that the statement "Contents—6 fluid ounces" was false and misleading as applied to an article that was short volume; (2) in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents; and (3) in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient.

On October 31, 1941, no claimant having appeared, judgment of forfeiture was entered and the product was ordered destroyed.

#### DRIED FRUITS

**Nos. 2943 to 2948** report the seizure and disposition of dried fruits that were insect-infested.

**2943. Adulteration of dried apricots. U. S. v. 200 and 200 Cases of Dried Apricots. Consent decree of condemnation and destruction.** (F. D. C. No. 5648. Sample Nos. 12923-E, 12924-E.)

On September 10, 1941, the United States attorney for the Eastern District of New York filed a libel against 400 cases of dried apricots at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about August 13, 1941, by the El Solyo Ranch from Vernalis, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Westan Brand Full Ripe Apricots [or "Westan Orchard Run Northern Apricots"] Packed By West Stanislaus Whse. Vernalis, Calif."

On December 4, 1941, the claimants having withdrawn their claim and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

**2944. Adulteration of dried peaches. U. S. v. 279 Boxes of Peaches. Default decree of condemnation and destruction.** (F. D. C. No. 5463. Sample No. 22928-E.)

On September 3, 1941, the United States attorney for the Eastern District of Louisiana filed a libel against 279 25-pound boxes of dried peaches at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about August 11, 1941, by Richmond-Chase Co. from Alameda, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Dubon Brand Fancy Recleaned Peaches."

On October 27, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2945. Adulteration of dried prunes. U. S. v. 50 Boxes of Dried Prunes. Default decree of condemnation and destruction.** (F. D. C. No. 6278. Sample No. 75668-E.)

On November 27, 1941, the United States attorney for the District of Rhode Island filed a libel against 50 boxes of dried prunes at Providence, R. I., alleging



that the article had been shipped in interstate commerce on or about June 25, 1941, by Libby, McNeill & Libby from Boston, Mass.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "25 Lbs. Libby's California Fruit \* \* \* Prunes."

On December 22, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2946. Adulteration of dried prunes. U. S. v. 18 Boxes of Dried Prunes. Default decree of condemnation and destruction. (F. D. C. No. 6254. Sample No. 75660-E.)**

On November 22, 1941, the United States attorney for the District of Rhode Island filed a libel against 18 boxes of dried prunes at Providence, R. I., alleging that the article had been shipped in interstate commerce on or about October 21, 1940, by the Winchester Dried Fruit Co. from San Jose, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "'Ferncrest' Brand Santa Clara Prunes Distributor Cooper & Sissons Inc. Providence R. I."

On December 22, 1941, no claimant having appeared, a decree of condemnation was entered and the product was ordered destroyed.

**2947. Adulteration of raisins. U. S. v. 7 Cartons and 35 Cartons of Raisins. Default decree of condemnation and destruction. (F. D. C. No. 6031. Sample Nos. 74536-E, 74537-E.)**

Examination of this product showed that it was moldy as well as insect-infested.

On or about October 23, 1941, the United States attorney for the District of New Jersey filed a libel against 42 cartons of raisins at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about June 13, 1941, by Consolidated Packing Co. from San Francisco, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy and decomposed substance. It was labeled in part: "Honeybunch Brand Midget Thompson Seedless Raisins."

On November 19, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2948. Adulteration of raisins. U. S. v. 37 Boxes, 79 Boxes, and 83 Loose Cartons of Raisins (and 1 other seizure action against raisins). Default decrees of condemnation and destruction. (F. D. C. Nos. 3925 to 3930, incl. Sample Nos. 50655-E, 50656-E.)**

Examination showed that this product was decomposed as well as insect-infested.

On March 6, 1941, the United States attorney for the Western District of Virginia filed libels against 215 boxes and 83 loose cartons of raisins at Lynchburg, Va., and 93 boxes of raisins at Staunton, Va., alleging that the article had been shipped in interstate commerce on or about September 25, 1940, by El Mar Packing Co. from Stockton, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy and decomposed substance. The article was labeled in part: "Cal-Ray Brand Layer Raisins" or "El-Mar Brand Three Crown Malaga Layer Raisins."

On June 2 and October 27, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

## POULTRY

**2949. Adulteration of dressed turkeys. U. S. v. 1 Box and 2 Boxes of Dressed Turkeys. Consent decree of condemnation and destruction. (F. D. C. No. 6671. Sample No. 62444-E.)**

Examination of this product showed the presence of partly decomposed poultry.

On December 12, 1941, the United States attorney for the Northern District of Illinois filed a libel against 3 boxes of dressed turkeys at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about November 29, 1941, from Mason City, Iowa, by E. G. Morse; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On December 22, 1941, the claimant having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.



**2950. Adulteration of dressed turkeys. U. S. v. 3 Barrels of Dressed Turkeys. Consent decree of condemnation and destruction. (F. D. C. No. 6531. Sample No. 62440-E.)**

Examination of this product showed the presence of decomposed poultry.

On November 24, 1941, the United States attorney for the Northern District of Illinois filed a libel against 3 barrels of dressed turkeys at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about November 7, 1941, by Pruitt Produce Co. from Ardmore, Okla.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On December 1, 1941, the consignee having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered destroyed.

### NUTS AND NUT PRODUCTS

**2951. Adulteration of Brazil nuts. U. S. v. 9 Bags of Brazil Nuts. Default decree of condemnation. Product ordered distributed to charitable institutions. (F. D. C. No. 6392. Sample No. 87269-E.)**

Examination of this product showed the presence of moldy and decomposed nuts.

On December 10, 1941, the United States attorney for the Southern District of West Virginia filed a libel against 9 bags, each containing 100 pounds, of Brazil nuts at Charleston, W. Va., alleging that the article had been shipped in interstate commerce on or about November 15, 1941, by W. A. Camp Co., Inc., from New York, N. Y.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: "Tropical Brand \* \* \* Brazils."

On December 19, 1941, no claimant having appeared, judgment of condemnation and forfeiture was entered and it was ordered that the portion that was not moldy or decomposed and was fit for human consumption be distributed to charitable institutions.

**2952. Adulteration of Brazil nuts. U. S. v. 19 Bags, 12 Bags, and 46 Bags of Brazil Nuts. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of unfit portion. (F. D. C. Nos. 6157, 6176, 6194. Sample Nos. 70150-E, 70157-E, 70158-E.)**

Examination of this product disclosed the presence of moldy, rancid, wormy, decomposed, or empty or shriveled nuts.

On November 5, 7, and 12, 1941, the United States attorney for the Western District of North Carolina filed libels against 77 bags, each containing 100 pounds, of Brazil nuts at Charlotte, N. C., alleging that the article had been shipped on or about October 21, 1941, by General Foods Sales Co., Inc., from Hoboken, N. J.; and charging that it was adulterated in that it consisted in whole or in part of a filthy and/or decomposed substance. The article was labeled in part: "Daisy Brand Natural [or "Britened King Cole Brites Junior"] Brazil Nuts."

On December 5, 1941, the cases having been consolidated and General Foods Sales Co., Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for the purpose of segregating the good nuts from the bad and destroying the latter under the supervision of the Food and Drug Administration.

**2953. Adulteration of nuts. U. S. v. 40 Baskets of Brazil Nuts (and 5 other seizure actions against nuts). Default decrees of condemnation and destruction. (F. D. C. Nos. 6147, 6148, 6251, 6275, 6289, 6367. Sample Nos. 64361-E, 64368-E, 64387-E, 64610-E, 64615-E, 64640-E, 74886-E, 74892-E.)**

Examination of samples of these products showed the presence of moldy, wormy, and rancid nuts.

Between November 5 and December 6, 1941, the United States attorneys for the Western District of Pennsylvania and the District of Connecticut filed libels against 136 40-pound boxes of Brazil nuts and 76 25-pound boxes of mixed nuts at Pittsburgh, Pa., and 64 40-pound baskets and 32 30-pound cases of Brazil nuts at New Haven, Conn., alleging that the articles had been shipped in interstate commerce within the period from on or about October 31, 1940, to on or about October 15, 1941, by Graham Co., Inc., from New York, N. Y.; and charging that they were adulterated in that they consisted in whole or in part of filthy and/or



decomposed substances. The articles were labeled in part: "Red Bow \* \* \* Brazil Nuts"; or "Keystone Fancy Mixed Nuts Walnuts-Almonds-Brazils-Pecans-Filberts."

On December 11 and 16, 1941, and January 16 and April 29, 1942, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

**2954. Adulteration of Brazil nuts. U. S. v. 110 Bags and 23 Bags of Brazil Nuts. Decrees of condemnation. Portion of product ordered released under bond for segregation and destruction of unfit portion; remainder ordered destroyed. (F. D. C. Nos. 6228, 6522. Sample Nos. 74565-E, 89001-E.)**

Examination of this product showed the presence of moldy, rancid, and decomposed nuts.

On November 15 and December 16, 1941, the United States attorney for the Southern District of New York filed libels against 133 100-pound bags of Brazil nuts at New York, N. Y., alleging that the article had been shipped by B. Levy & Co. from Manaus, Brazil, 110 bags having arrived at New York on April 23, 1941, and 23 bags having been shipped on or about June 23, 1941; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Tropical Beauties \* \* \* Brazils," or "Amazon Brand Large Washed Brazil Nuts."

On December 10, 1941, Wm. A. Camp Co., Inc., New York, N. Y., claimant for the 110 bags of Brazil nuts, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that the nuts be shelled and that the unfit portion be segregated and destroyed. On January 14, 1942, no claimant having appeared for the remainder of the nuts, judgment of condemnation was entered and the product was ordered destroyed.

**2955. Adulteration of peanuts. U. S. v. 30 Bags and 61 Bags of Shelled Peanuts. Consent decree of condemnation. Product ordered released under bond to be reconditioned. (F. D. C. No. 6027. Sample No. 61779-E.)**

Examination showed that this product was insect-infested.

On October 14, 1941, the United States attorney for the District of Oregon filed a libel against 91 bags of shelled peanuts at Portland, Oreg., alleging that the article had been shipped on or about April 5, 1941, by Suffolk Peanut Co. from Suffolk, Va.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance.

On October 28, 1941, Royal Nut Manufacturing Co., Portland, Oreg., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be reconditioned under the supervision of the Food and Drug Administration. The good portion was segregated from the bad and the latter was destroyed.

**2956. Adulteration of pecans. U. S. v. 280 Cartons and 14,870 Pounds of Pecans. Consent decrees of condemnation. Product ordered released under bond to be reconditioned. (F. D. C. Nos. 6152, 6343. Sample Nos. 74562-E, 74593-E.)**

Examination of this product disclosed the presence of moldy, rancid, and/or decomposed pecans.

On November 6 and December 5, 1941, the United States attorney for the Southern District of New York filed libels against 280 cartons each containing 65 pounds, and 14,870 pounds of pecans at New York, N. Y., alleging that the article had been shipped on or about September 22, 1941, by Southern Pecan Shelling Co. from San Antonio, Tex.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. A portion of the article was labeled in part: (Cartons) "Extra Fancy Texas Pecans Southern Belle Pecans."

On December 2 and 22, 1941, Southern Pecan Shelling Co., claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond to be reconditioned under the supervision of the Food and Drug Administration, such reconditioning to consist of cracking out the nut meats and sorting the edible nut meats from the moldy and rancid pieces.



**2957. Adulteration and misbranding of peanut butter. U. S. v. 33 Cases and 18 Cases of Peanut Butter. Default decree of condemnation and destruction. (F. D. C. No. 6140. Sample No. 70145-E.)**

Both lots of this product contained dirt and insect fragments and the 2-pound jars were short of the declared weight.

On November 19, 1941, the United States attorney for the Western District of North Carolina filed a libel against 33 cases each containing 29 1-pound jars and 24 cases each containing 12 2-pound jars of peanut butter at Taylorsville, N. C., alleging that the article had been shipped in interstate commerce on or about September 9, 1941, by Jaxon Foods, Inc., from Jacksonville, Fla.; and charging that it was adulterated and that a portion was misbranded. The article was labeled in part: (Jars) "Besmaid Peanut Butter."

All of the article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance.

The 2-pound jars were alleged to be misbranded in that the statement "Net Wt. 2 Lb." was false and misleading as applied to an article that was short weight; and in that it was in package form and did not bear a label containing an accurate statement of the quantity of the contents.

On December 12, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

### OILS AND FATS

**2958. Adulteration and misbranding of olive oil. U. S. v. 12 Cans of Olive Oil. Default decree of condemnation. Product ordered distributed to charitable institutions. (F. D. C. No. 5961. Sample No. 75532-E.)**

Analysis showed that this product consisted essentially of cottonseed oil mixed with one or more other vegetable oils, and containing little, if any, olive oil.

On or about October 7, 1941, the United States attorney for the District of Connecticut filed a libel against 12 gallon cans of olive oil at Pawcatuck, Conn., alleging that the article had been shipped in June or July, 1941, by Columbus Wholesale Grocery Co. from Providence, R. I.; and charging that it was adulterated and misbranded. It was labeled in part: "Superfine Olive Oil A. Sasso \* \* \* Brand."

The article was alleged to be adulterated in that a substance, cottonseed oil mixed with one or more other vegetable oils, containing little, if any, olive oil, had been substituted in whole or in part for olive oil, which it purported to be.

It was alleged to be misbranded: (1) In that the following statements, (main panels) "Superfine Olive Oil \* \* \* Imported Product \* \* \* Olio d'Oliva Sopraffino \* \* \* Prodotto Importato," (side panels) "Pure Olive Oil Imported \* \* \* Olio Puro d'Oliva Raccomandato per uso medicinale," and (top and bottom) "Puro Olio di Oliva," were false and misleading as applied to an article that consisted essentially of cottonseed oil mixed with one or more other vegetable oils and contained little, if any, olive oil. (2) In that it was offered for sale under the name of another food. (3) In that it was in package form and failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor. (4) In that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient.

On December 20, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered distributed to charitable institutions.

**2959. Adulteration and misbranding of olive oil. U. S. v. 10 Cases of Oil. Default decree of condemnation and destruction. (F. D. C. No. 6293. Sample No. 87230-E.)**

This product consisted essentially of cottonseed oil, containing little, if any, olive oil.

On November 28, 1941, the United States attorney for the Southern District of West Virginia filed a libel against 10 cases, each containing 24 quart cans, of oil at Charleston, W. Va., alleging that the article had been shipped on or about August 2, 1941, by Enrico Fiorelli Co. from Canton, Ohio; and charging that it was adulterated and misbranded. It was labeled in part: "Conte Savoia Pure Olive Oil."

The article was alleged to be adulterated in that a substance, cottonseed oil, containing little, if any, olive oil, had been substituted wholly or in part for olive oil, which it purported to be.



It was alleged to be misbranded (1) in that the following statements and designs were false and misleading, (main panels) "Italian Product \* \* \* Pure Olive Oil Imported \* \* \* Prodotto Italiano \* \* \* Puro Olio d'Oliva Importato [design of olive branches and gold medals]," and (side panels) "This olive oil is guaranteed to be absolutely pure under any chemical analysis—Excellent for table use for cooking and medicinal purposes \* \* \* Quest' Olio d'Oliva e garantito assolutamente puro sotto qualsiasi analisi chimica—Eccellente per tavola per cucina e per uso medicinale"; and (2) in that it was offered for sale under the name of another food.

On December 19, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2960. Adulteration and misbranding of olive oil. U. S. v. 36 Cans, 144 Cans, 45 Cans, and 9 Cans of Olive Oil. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 6071. Sample Nos. 66304-E to 66307-E, incl.)**

This product consisted essentially of cottonseed oil or peanut oil, containing little or no olive oil.

On October 25, 1941, the United States attorney for the Northern District of Illinois filed a libel against 234 gallon cans of olive oil at Chicago, Ill., alleging that the article had been shipped on or about September 7, 8, and 24, 1941, by Gary Supply Co. from Gary, Ind.; and charging that it was adulterated and misbranded. The article was labeled in part: "Seville Brand Selected Olive Oil," or "Lucca Brand Pure Olive Oil."

The article was alleged to be adulterated: (Seville brand and 45 cans of Lucca brand) in that a substance, cottonseed oil containing little or no olive oil, had been substituted in whole or in part for olive oil, which it purported to be; and (Lucca brand, 9 cans) in that a substance, peanut oil containing little or no olive oil, had been substituted in whole or in part for olive oil, which it purported to be.

It was alleged to be misbranded (1) in that the following statements appearing in the labeling were false and misleading: (Seville brand, main panels) "Selected Olive Oil Pure Spanish Olive Oil Imported From Spain," (side panels) "This olive oil is highly recommended for medicinal and all table uses Esta aceite de oliva esta recomendado para uso medicinal lo mismo que para el uso de la mesa y la cocina," and (top) "Seville Olive Oil Co. Seville, Spain"; and (Lucca brand, main panels) "Lucca \* \* \* Pure Olive Oil Lucca Olive Oil Co. Lucca Italy," (side panels) "Quest' Olio d'Oliva lo Garantisco per L'Assoluta Purita Sotto Analisi Chimica e per la Più Squisita Qualita," and (top) "Italy"; and (2) in that it was offered for sale under the name of another food.

On December 9, 1941, Charles Gump, trading as the Gary Supply Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

**2961. Adulteration and misbranding of olive oil. U. S. v. 9 Cases and 16 Cases of Olive Oil. Default decree of condemnation and destruction. (F. D. C. No. 6197. Sample Nos. 84018-E, 84019-E.)**

Analysis indicated that this product consisted essentially of artificially flavored and artificially colored corn oil with a small amount of cottonseed oil and little, if any, olive oil. The cans failed to bear the name of the manufacturer, packer, or distributor.

On November 10, 1941, the United States attorney for the District of Maryland filed a libel against a total of 25 cases of olive oil at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about October 30, 1941, by Frank Roma from New York, N. Y.; and charging that it was adulterated and misbranded. It was labeled in part: (Cans) "Olio di Oliva Vergine Lucca Brand Prodotto Italiano"; or "Olio d' Oliva Soprafino A. Sasso Brand."

The article was alleged to be adulterated (1) in that artificially flavored and artificially colored corn oil with a small amount of cottonseed oil and containing little or no olive oil had been substituted wholly or in part for olive oil, which it purported to be; (2) in that inferiority had been concealed by the addition of artificial flavor and artificial color; and (3) in that artificial flavor and artificial color had been added thereto or mixed or packed therewith so as to make it appear better and of greater value than it was.

It was alleged to be misbranded (1) in that the following statements and designs were false and misleading: (9 Cases) "Olio di Oliva Vergine Lucca



\* \* \* Prodotto Italiano Olio d'Oliva [design of an olive branch] \* \* \* This olive oil is guaranteed pure olio d'Oliva. Questo Olio e garantito di puro Oliva Olio d'Oliva. Imported Pure Olive Oil"; (16 cases) "Superfine Olive Oil \* \* \* Imported Product. Olio d'Oliva Sopraffino \* \* \* Prodotto Importato [design of an olive branch] Pure Olive Oil Imported. Olio Puro d'Oliva Raccomandato per uso medicinale. Puro Olio di Oliva"; (2) in that it was offered for sale under the name of another food; (3) in that it was an imitation of another food and its labeling failed to bear in type of uniform size and prominence the word "imitation" and immediately thereafter the name of the food imitated; (4) in that it was in package form and did not bear a label containing the name and place of business of the manufacturer, packer, or distributor; (5) in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient; and (6) in that it contained artificial flavoring and artificial coloring and did not bear labeling stating that fact.

On December 15, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2962. Adulteration and misbranding of oil. U. S. v. 17 Cans of Corn and Olive Oil and 8 Cartons of Peanut Oil. Default decrees of condemnation. Product ordered delivered to charitable institutions. (F. D. C. Nos. 4911, 6059. Sample Nos. 56669-E, 74069-E.)**

Examination showed that the portion of this product labeled "Corn Oil and Imported Olive Oil" consisted essentially of peanut oil with some olive oil and cottonseed oil, containing little if any corn oil; and that labeled "Peanut Oil" was peanut oil artificially flavored and colored to simulate olive oil.

On or about June 20, and on September 22, 1941, the United States attorney for the District of Connecticut filed libels against 17 gallon cans of oil at New Haven, and 8 cartons each containing 1 5-gallon can of oil at East Haven, Conn., alleging that the article had been shipped in interstate commerce on or about May 8 and September 22, 1941, by Best Packing Co., Inc., from New York, N. Y.; and charging that it was misbranded and that a portion was also adulterated.

The oil at New Haven was alleged to be adulterated in that an article consisting essentially of peanut oil with some olive oil and cottonseed oil, containing little if any corn oil, had been substituted wholly or in part for "Corn Oil and Imported Olive Oil," which it purported to be.

It was alleged to be misbranded (1) in that the statement "Corn Oil and Imported Olive Oil" was false and misleading as applied to an article consisting essentially of peanut oil with some olive oil and cottonseed oil, containing little if any corn oil; and (2) in that the label contained certain representations in a foreign language (Italian) but failed to contain in such language all the words, statements, and information required by the law to appear on the label.

The oil at East Haven was alleged to be misbranded (1) in that it was an imitation of another food, olive oil, and its label failed to bear, in type of uniform size and prominence, the word "imitation" and immediately thereafter the name of the food imitated; and (2) in that it contained artificial flavoring and artificial coloring and did not bear labeling stating that fact.

On December 20, 1941, and May 27, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered delivered to charitable institutions.

**2963. Misbranding of oil. U. S. v. 48 Cases and 42 Cases of Oil. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 5337. Sample Nos. 51625-E, 51626-E.)**

Examination of this product showed that it consisted essentially of cottonseed oil artificially colored and flavored to simulate olive oil. Stickers pasted near the bottom of most of the cans bore in very small type the statements, (Pulcella brand) "Corn Oil With Color and Flavor Added," and (Gioiosa brand) "Cottonseed Oil With Color and Flavor Added." Similar stickers had apparently been removed from the other cans.

On August 11, 1941, the United States attorney for the District of Rhode Island filed a libel against 90 cases, each containing 6 gallon cans, of oil at Providence, R. I., alleging that the article had been shipped on or about July 17, 1941, by Domestic Oil Co. from New York, N. Y.; and charging that it was misbranded. The article was labeled in part: "Pulcella Brand Extra Fine Oil," or "Extra Fine Oil Gioiosa Brand Pure Oil F. Massimino."



Both brands of the article were alleged to be misbranded (1) in that it was an imitation of another food, olive oil, and its label failed to bear in type of uniform size and prominence the word "imitation" and, immediately thereafter, the name of the food imitated; (2) in that the name of the article, the name and place of business of the packer, and the declaration of color and flavor, required by law to appear on the label, were not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render them likely to be read by the ordinary individual under customary conditions of purchase and use; (3) in that it contained artificial flavoring and artificial coloring and did not bear labeling stating that fact; and (4) in that the labels contained certain representations in a foreign language (Italian) but failed to contain in such language all the words, statements, and information required by law to appear on the labels. The Pulcella brand was alleged to be misbranded further (1) in that the statement "Olio Finissimo" was false and misleading since it had been used from time immemorial as a designation for olive oil, especially to Italian-speaking people; (2) in that the design of a woman in foreign costume, with a lion and a can of oil, was false and misleading since it created the impression that the article was of foreign origin; and (3) in that the statement "Corn Oil" was false and misleading since the article consisted essentially of cottonseed oil. The Gioiosa brand was alleged to be misbranded further (1) in that the statement "Olio Puro Garantito Sotto Qualsiasi Analisi Chimica" and the design of olive leaves and gold medals were false and misleading since they created the impression that the article was olive oil and was of foreign origin; and (2) in that the statements, "Pure Oil" and "We guarantee this oil to be absolutely pure under chemical analysis," were false and misleading since the article was artificially colored and flavored.

On October 16, 1941, Domestic Oil Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

**2964. Adulteration and misbranding of oil. U. S. v. 49 Cans of Peanut and Olive Oil. Default decree of condemnation and destruction. (F. D. C. No. 5953. Sample No. 56296-E.)**

Analysis showed that this product consisted essentially of artificially flavored and colored peanut oil with little, if any, olive oil, and it simulated olive oil in taste and color. Furthermore, it contained a coal-tar color other than one from a batch that had been certified for food use.

On or about October 6, 1941, the United States attorney for the District of New Jersey filed a libel against 49 gallon cans of oil at Newark, N. J., alleging that the article had been shipped on or about September 13, 1941, by Marino Edible Oil Co. from Brooklyn, N. Y.; and charging that it was adulterated and misbranded. It was labeled in part: "Zingarella Brand Oil."

The article was alleged to be adulterated in that it contained a coal-tar color other than one from a batch that had been certified as provided by law.

It was alleged to be misbranded (1) in that the statement "Peanut and Olive Oil" was false and misleading as applied to an artificially flavored and colored peanut oil containing little, if any, olive oil; (2) in that it was an imitation of another food, olive oil, and its label failed to bear in type of uniform size and prominence the word "imitation" and immediately thereafter the name of the food imitated; (3) in that its label contained representations in a foreign language (Italian) and the information required by law to appear on the label, i. e., a statement of the quantity of contents and a statement of ingredients, did not appear thereon in the foreign language; and (4) in that it contained artificial flavoring and artificial coloring and did not bear labeling stating that fact.

On November 24, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**OLEOMARGARINE**

**2965. Misbranding of oleomargarine. U. S. v. 50 Cases of Oleomargarine. Default decree of condemnation. Product ordered delivered to a local charitable agency. (F. D. C. No. 6246. Sample No. 64371-E.)**

This product was deficient in fat.

On November 18, 1941, the United States attorney for the Western District of Pennsylvania filed a libel against 50 cases, each containing 30 1-pound cartons, of oleomargarine at Pittsburgh, Pa., alleging that the article had been shipped



on or about October 19, 1941, by the Churngold Corporation from Cincinnati, Ohio; and charging that it was misbranded. It was labeled in part: "Blue Ribbon Vegetable Oleomargarine."

The article was alleged to be misbranded in that it purported to be a food for which a definition and standard of identity had been prescribed by regulations as provided by law, but it failed to conform to such definition and standard because it contained less than 80 percent fat, namely, an average of 71.38 percent.

On December 11, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a local charitable agency for its use exclusively.

**2966. Misbranding of oleomargarine. U. S. v. 16 Cases of Oleomargarine. Default decree of condemnation. Product ordered distributed to local charitable institutions. (F. D. C. No. 6080. Sample No. 59066-E.)**

This product contained less than 80 percent of fat; its label failed to designate the optional fat ingredients; and the name and place of business of the manufacturer did not appear on the principal panels.

On October 27, 1941, the United States attorney for the District of Columbia filed a libel against 16 cases, each containing 30 cartons, of oleomargarine at Washington, D. C., alleging that the article was in interstate commerce in the District of Columbia and in possession of Giant Food Shopping Center; and charging that it was misbranded. It was labeled in part: "Southern Belle First Grade Oleomargarine One Pound Net. \* \* \* J. H. Filbert Inc. Baltimore, Maryland."

The libel charged that the article was misbranded: (1) In that the statements "First Grade Oleomargarine \* \* \* Conforms to all the pure foods laws," appearing in the labeling, were false and misleading since it contained less than 80 percent of fat. (2) In that the name and place of business of the manufacturer, packer, or distributor, required by law to appear on the label or labeling, were not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render them likely to be read by the ordinary individual under customary conditions of purchase and use. (3) In that it purported to be a food for which a definition and standard of identity had been prescribed by regulations as provided by law, but it failed to conform to such definition and standard (a) in that it contained less than 80 percent of fat, and (b) in that its label failed to bear the statement of optional fat ingredients present.

On November 14, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered distributed to local charitable institutions.

## CANDY

**2967. Adulteration of candy. U. S. v. Mark D. Hodges (Hodges Candy Co.). Plea of nolo contendere. Fine, \$300. (F. D. C. No. 4165. Sample Nos. 20733-E, 20734-E, 20753-E, 20754-E, 20980-E, 37213-E, 37214-E, 37302-E, 37303-E.)**

Examination of this product showed evidence of rodent and insect infestation.

On August 22, 1941, the United States attorney for the Middle District of Georgia filed an information against Mark D. Hodges, trading as Hodges Candy Co. at Milledgeville, Ga., alleging shipment within the period from on or about October 28, 1940, to on or about January 20, 1941, from the State of Georgia into the States of Florida, Virginia, and South Carolina of quantities of candy which was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. It was labeled in part "Variety Bars."

On October 24, 1941, a plea of nolo contendere was entered on behalf of the defendant and a fine of \$300 was imposed.

**2968. Adulteration of candy. U. S. v. Norbert A. Kroeger (N. A. Kroeger & Co.) Plea of guilty. Fine, \$25 and costs. (F. D. C. No. 4175. Sample Nos. 27508-E to 27510-E, incl.)**

This product, consisting of gum drops, was contaminated with rodent hairs and insect fragments.

On August 18, 1941, the United States attorney for the District of Maryland filed an information against Norbert A. Kroeger, trading as N. A. Kroeger & Co., Baltimore, Md., alleging shipment in interstate commerce on or about October



10, 1940, from the State of Maryland into the State of Indiana of a quantity of candy that was adulterated. It was labeled in part: "Subway Bars," "Orange & Lemon Slices," and "Kroeger's Jelly Cuts."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On October 3, 1941, the defendant entered a plea of guilty and the court imposed a fine of \$25 and costs.

**2969. Adulteration of candy. U. S. v. 21 Cartons of Candy. Default decree of condemnation and destruction.** (F. D. C. No. 6292. Sample No. 59919-E.)

This product contained rodent hairs and insect fragments.

On November 25, 1941, the United States attorney for the District of Delaware filed a libel against 21 cartons of candy at Georgetown, Del., alleging that the article had been shipped in interstate commerce on or about October 30, 1941, by Blue Ribbon Candy Co. from Baltimore, Md.; and charging it was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: (Carton) "Peanut Brittle."

On December 19, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

Nos. 2970 to 2972 report the seizure and disposition of candy that was insect-infested.

**2970. Adulteration of candy. U. S. v. 16 Cartons of Candy. Default decree of condemnation and destruction.** (F. D. C. No. 5663. Sample No. 61734-E.)

On September 12, 1941, the United States attorney for the Northern District of California filed a libel against 16 cartons of candy at Weed, Calif., alleging that the article had been shipped in interstate commerce by the Chicago Candy Association on or about March 29, 1941, from Chicago, Ill.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "24-5 Cents Tangos Bunte Brothers Chicago."

On December 5, 1941, no claimant having appeared, judgment of condemnation was entered and the product ordered destroyed.

**2971. Adulteration of candy. U. S. v. 20 Cartons of Candy. Default decree of condemnation and destruction.** (F. D. C. No. 5661. Sample No. 61732-E.)

On September 12, 1941, the United States attorney for the Northern District of California filed a libel against 20 cartons of candy at Weed, Calif., alleging that the article had been shipped in interstate commerce on or about February 5, 1941, by the Imperial Candy Co. from Seattle, Wash.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "24 Jubilee Bars."

On December 5, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2972. Adulteration of candy. U. S. v. 10 Boxes and 12 Boxes of Candy. Default decree of condemnation and destruction.** (F. D. C. No. 5664. Sample Nos. 61735-E, 61736-E.)

On September 12, 1941, the United States attorney for the Northern District of California filed a libel against 22 boxes of candy at Weed, Calif., alleging that the article had been shipped in interstate commerce on or about February 20, 1941, by Phyleen Candy Co. from Huntington, Ind.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Boxes) "Phyleen Golden [or "Silver"] Heart Nut Cluster Maple [or "Vanilla"] Cream 24 Count 5 Cents."

On December 5, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2973. Adulteration of candy. U. S. v. 89 Packages and 35 Boxes of Candy (and 1 other seizure action against candy). Default decrees of condemnation and destruction.** (F. D. C. Nos. 6113, 6114. Sample Nos. 61798-E, 61799-E.)

This product was moldy.

On November 3, 1941, the United States attorney for the District of Oregon filed libels against 125 1-pound packages, 83 boxes each containing 12 1-pound packages, and 5 boxes each containing 40 1-pound packages of candy at Portland, Oreg., alleging that the article had been shipped in interstate commerce



on or about October 13, 1941, by Lewis Sales Co. from Seattle, Wash.; and charging that it was adulterated in that it consisted wholly or in part of a filthy and decomposed substance. The article was labeled in part: (Packages) "Chocolate Covered Rum & Butter Thins \* \* \* Terry Candy Company, Elizabeth, New Jersey."

On December 11 and 16, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**2974. Adulteration of candy. U. S. v. 5 Boxes, 3 Boxes, 25 Boxes, 21 Boxes, and 42 Boxes of Candy (and 2 other seizure actions against candy). Decrees of condemnation and destruction.** (F. D. C. Nos. 6181, 6185, 6219. Sample Nos. 59059-E, 59062-E, 59063-E, 70201-E to 70205-E, incl., 74711-E.)

Examination showed that this product contained rodent hairs, and insects and insect fragments.

On November 7, 10, and 17, 1941, the United States attorneys for the Northern District of Georgia, District of Maryland, and the Southern District of New York filed libels against 96 boxes of candy at Atlanta, Ga., 264 boxes at Baltimore, Md., and 126 boxes at New York, N. Y., alleging that the article had been shipped on or about September 25 and 27, 1941, by Tower Candy Co. from Philadelphia, Pa.; and charging that it was adulterated. It was labeled in part: "Blk Walnut [or "Carmels," "Vanilla Creams," "L. Good," "L. Lunch Roll," "Mints," "Maple Cream," "Jelly," "D. Goodies," "L. Goodies," "Pineapple Creams," "Brazil Nuts," "Cocoanut Creams," "Peanut Chew," or "Chips"] "High Grade Chocolates."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On November 18 and December 19, 1941, and January 5, 1942, the Tower Candy Co. having consented to condemnation of the product seized at Baltimore, and no claimant having appeared in the remaining actions, judgments of condemnation were entered and the product was ordered destroyed.

**2975. Misbranding of candy. U. S. v. 20 Dozen Boxes and 12 Dozen Boxes of Candy (and 4 other seizure actions against candy). Default decrees of condemnation. Product ordered delivered to charitable institutions.** (F. D. C. Nos. 4914, 4915, 4977, 5426, 5608. Sample Nos. 56699-E, 69996-E, 69997-E, 69999-E, 70000-E, 74268-E, 74306-E to 74308-E, incl.)

A portion of this product was short weight, and the containers in all lots were deceptive. It was misbranded further as indicated below.

Between June 17 and September 2, 1941, the United States attorneys for the District of New Jersey and the District of Connecticut filed libels against the following quantities of candy: 32 dozen boxes at Paterson, 48 dozen boxes at Union City, 424 boxes at Irvington, and 302 boxes at Newark, N. J.; and 9 cases, each containing 100 packages, at Hartford, Conn., alleging that the article had been shipped in interstate commerce within the period from on or about May 15 to on or about August 18, 1941, by Delight Sweets, Inc., from New York, N. Y.; and charging that it was misbranded. It was labeled in part: "Hollywood Chocolates Net Weight 6 Oz."; "Duplex Assortment Rum and Butter and Assorted Chews \* \* \* Net Weight 4 Oz."; "Duplex Assortment Gums & Chews Net Weight 5 Oz."; "Gum Joy Assortment Net Weight 4 Oz."; or "Social Sweets Gums & Chews Net Weight 8 Oz."

The article was alleged to be misbranded in that its container was so made and filled as to be misleading, since the boxes were too large for the amount of candy they contained and the candy did not occupy a reasonable amount of the available space. Portions of the article were alleged to be misbranded further: (9 cases) (1) In that the statement "Net Weight 4 Oz." was false and misleading, and (2) in that it was in package form and did not bear a label containing the name and place of business of the manufacturer, packer, or distributor, and did not bear a label containing an accurate statement of the quantity of the contents. Certain lots were alleged to be misbranded further in that the name and place of business of the manufacturer, packer, or distributor, the statement of quantity of contents, and the statement of ingredients, required by law to appear on the label or labeling, were not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render them likely to be read by the ordinary individual under customary conditions of purchase and use.

Between September 23 and November 19, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered distributed to charitable institutions.



Nos. 2976 to 2978 report the seizure and disposition of candies which were represented to be efficacious in the treatment of obesity but which consisted substantially of caramel candy and which would furnish about the same amount of calories as that type of candy.

**2976. Misbranding of Ayds Candy. U. S. v. 17 Boxes of Ayds Candy. Default decree of condemnation and destruction.** (F. D. C. No. 4269. Sample No. 28268-E.)

On April 9, 1941, the United States attorney for the District of Columbia filed a libel against 17 boxes of Ayds Candy, alleging that the article was in interstate commerce in the District of Columbia at the Vita Health Food Co., in the City of Washington, District of Columbia; and charging that it was misbranded.

The article was alleged to be misbranded (1) in that representations in the labeling regarding its efficacy in effecting reduction of body weight in the consumer were false and misleading since they were incorrect; and (2) in that the combination of letters "Ayds Candy," appearing on the package label, constituted a false and misleading device since it meant to purchasers that the article was an appropriate and effective aid in reducing body weight—having acquired such meaning because of statements and designs appearing in a circular bearing the title legends "Now! Many Lose Weight by New, Easy Plan. Ayds Easy Reducing Plan and Candy"; whereas the candy was not an effective and appropriate aid in reducing body weight.

It was alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in D. D. N. J. No. 593.

On May 1, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2977. Misbranding of Slend-R-Form Candy. U. S. v. 58 Boxes of Slend-R-Form. Default decree of condemnation and destruction.** (F. D. C. No. 4290. Sample Nos. 24696-E, 31283-E.)

On April 17, 1941, the United States attorney for the Northern District of Illinois filed a libel against 58 boxes of Slend-R-Form Candy at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about April 2, 1941, by Thomas Martindale & Co. from Philadelphia, Pa.; and charging that it was misbranded. This was a returned shipment and was part of a lot originally shipped to Philadelphia by Riley Products, Inc., from Chicago, Ill.

The article was alleged to be misbranded in that the representations in the labeling regarding its efficacy in effecting reduction of body weight in the consumer were false and misleading.

It also was alleged to be misbranded under the provisions of the law applicable to drugs, as reported in D. D. N. J. No. 595.

On June 30, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2978. Misbranding of Slend-R-Form Candy. U. S. v. 9¼ Dozen Boxes of Slend-R-Form Candy (and 12 other seizure actions against Slend-R-Form Candy). Default decrees of condemnation. Portions of product ordered distributed to charitable institutions; remainder ordered destroyed.** (F. D. C. Nos. 3599, 3916, 3924, 3998, 4017, 4201, 4678, 4763, 5048, 5239, 5240, 5749, 5758. Sample Nos. 5181-E, 11404-E, 22302-E, 38942-E, 39706-E, 43590-E, 44652-E, 47481-E, 52318-E to 52320-E, incl., 55422-E, 55604-E, 58291-E, 79926-E.)

Between December 28, 1940, and September 17, 1941, the United States attorneys for the Eastern District of Missouri, Western District of Washington, Northern District of California, District of Oregon, Southern District of Ohio, Western District of Louisiana, Northern District of Oklahoma, Eastern District of Wisconsin, Southern District of Indiana, and the District of Minnesota filed libels against 9¼ dozen boxes of Slend-R-Form at St. Louis, Mo.; 451 boxes at Seattle, Wash.; 140 boxes at San Francisco, Calif.; 19 dozen boxes at Portland, Oreg.; 140 boxes at Dayton, Ohio; 25 boxes at Appleton, Wis.; 54 boxes at Lake Charles, La.; 24 boxes at Tulsa, Okla.; 126 boxes at Milwaukee, Wis.; 16 boxes at Indianapolis, Ind.; and 274 packages at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce within the period from on or about October 28, 1940, to on or about August 7, 1941, by Riley Products, Inc., from Chicago, Ill. On March 10, 1941, the United States attorney for the District of Colorado filed a libel against 8 dozen boxes of Slend-R-Form Candy at Denver, Colo., which had been shipped by the Riley Products, Inc., from Chicago, Ill., on or about December 3, 1940.

The article was alleged to be misbranded in that representations in the labeling regarding its efficacy in effecting a reduction of body weight in the consumer were



false and misleading. It also was alleged to be misbranded under the provisions of the law applicable to drugs, as reported in D. D. N. J. No. 594.

Between January 30, 1941, and March 4, 1942, no claimant having appeared, judgments of condemnation were entered. The portions of the product located at Denver, Dayton, and Minneapolis were ordered distributed to charitable institutions and the remaining lots were ordered destroyed.

### FLAVORS AND SPICES

**2979. Adulteration and misbranding of vanilla flavor. U. S. v. 11 Jugs of Vanilla Flavor. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 6056. Sample Nos. 73319-E, 73320-E.)**

This product consisted of a water-alcohol solution of ethyl vanillin, coumarin, and caramel color.

On October 22, 1941, the United States attorney for the Western District of Oklahoma filed a libel against 11 jugs of vanilla flavor at Enid, Okla., alleging that the article had been shipped in interstate commerce within the period from on or about July 17 to on or about August 7, 1941, by the Commercial Coffee Co. from St. Louis, Mo.; and charging that it was adulterated and misbranded. It was labeled in part: "Chef's Delight Brand Standard Vanilla Flavor."

The article was alleged to be adulterated in that an imitation vanilla flavoring consisting of a water-alcohol solution of ethyl vanillin, coumarin, and caramel color had been substituted in whole or in part for standard vanilla flavor, which it purported to be.

It was alleged to be misbranded (1) in that the statement "Standard Vanilla Flavor" was false and misleading as applied to an article that was an imitation vanilla flavor; (2) in that it was offered for sale under the name of another food; (3) in that it was an imitation of another food and its label failed to bear in type of uniform size and prominence the word "imitation" and immediately thereafter the name of the food imitated; (4) in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient; and (5) in that it contained artificial coloring and did not bear labeling stating that fact.

On December 2, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

**2980. Adulteration and misbranding of vanilla extract. U. S. v. 11 Dozen Bottles of Vanilla Extract. Default decree of condemnation; product ordered delivered to Food and Drug Administration for technical purposes. (F. D. C. No. 3894. Sample No. 46731-E.)**

This product was deficient in vanilla resins and contained artificial flavor and other substances foreign to vanilla extract as indicated by the presence of excessive mineral matter.

On February 28, 1941, the United States attorney for the District of New Jersey filed a libel against 11 dozen bottles of vanilla extract at Hoboken, N. J., alleging that the article had been shipped by General Desserts Corporation from New York, N. Y., on or about December 19, 1940; and charging that it was adulterated and misbranded. It was labeled in part: (Bottles) "Contents 4 Fl. Oz. \* \* \* American House Pure Extract Vanilla."

The article was alleged to be adulterated (1) in that an imitation vanilla extract deficient in vanilla resin and containing added ash material and artificial flavor had been substituted wholly or in part for "Pure Extract Vanilla"; (2) in that inferiority had been concealed through the addition of ash material and artificial flavoring; and (3) in that ash material and artificial flavoring had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was.

It was alleged to be misbranded (1) in that the statement "Pure Extract Vanilla" was false and misleading as applied to an imitation vanilla extract deficient in vanilla resin and containing added ash material and artificial flavoring; (2) in that it was offered for sale under the name of another food; (3) in that it was an imitation of another food and its label did not bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated; and (4) in that it contained artificial flavoring and failed to bear labeling stating that fact.

On September 4, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to the Food and Drug Administration to be used for technical purposes.



**2981. Misbranding of imitation vanilla flavor and adulteration and misbranding of lemon flavor.** U. S. v. 649 Cases of Imitation Vanilla Flavor and 14 Cases and 1,944 Bottles of Lemon Flavor. Default decrees of condemnation and destruction. (F. L. C. Nos. 4598, 6701. Sample Nos. 22451-E, 52311-E, 52312-E.)

Examination showed that the imitation vanilla flavor contained ingredients not declared on the label, and the word "imitation" followed the name of the article but was in smaller type; and the lemon flavor was deficient in lemon oil.

On or about May 7, 1941, and January 19, 1942, the United States attorneys for the Western District of Washington and the Northern District of California filed libels against 649 cases each containing 8 bottles of imitation vanilla flavor and 14 cases each containing 8 bottles of lemon flavor at Bremerton, Wash., and 1,944 bottles of lemon flavor at Mare Island, Calif., alleging that the articles had been shipped in interstate commerce on or about December 2 and 22, 1940, by Purity Stores, Ltd., from New York, N. Y.; and charging that the imitation vanilla flavor was misbranded and that the lemon flavor was adulterated and misbranded.

The imitation vanilla flavor was alleged to be misbranded (1) in that it was an imitation of another food and its label failed to bear in type of uniform size and prominence the word "imitation" and immediately thereafter the name of the food imitated; and (2) in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient.

The lemon flavor was alleged to be adulterated in that a substance, namely, a non-alcoholic lemon flavor containing less than 20 percent of oil of lemon, had been substituted for non-alcoholic lemon flavor containing 20 percent of oil of lemon. It was alleged to be misbranded in that the statements, "Formula: Oil of lemon (U. S. P. (by volume)) 20 Per Cent," and "This lemon flavor has four times the flavoring strength of ordinary commercial lemon extracts. One teaspoonful of this flavor is equal in strength to four teaspoonfuls of commercial extract and should be used accordingly," were false and misleading since it contained less than 20 percent of oil of lemon.

On September 29, 1941, and July 13, 1942, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

**2982. Adulteration and misbranding of vanilla and lemon flavors.** U. S. v. 125 Cases of Vanilla Flavor and 23 Cases of Lemon Flavor (and 8 other seizures of vanilla flavor). Decree ordering portion of product released under bond to be relabeled, and remainder ordered destroyed. (F. L. C. Nos. 4011, 4012, 4373, 4474, 4509, 4511, 4597, 4726, 4764. Sample Nos. 259-E, 20352-E, 35499-E, 35500-E, 37298-E, 37499-E, 39640-E, 39741-E, 43306-E, 43345-E, 52309-E, 52310-E.)

Between March 18 and May 16, 1941, the United States attorneys for the Western and the Eastern Districts of Missouri, Southern District of Florida, Southern District of Georgia, Eastern District of South Carolina, Eastern District of Louisiana, and the Western District of Washington filed libels against 125 cases each containing 8 bottles of vanilla flavor and 23 cases each containing 8 bottles of lemon flavor at Bremerton (Seattle), Wash., and the following additional quantities of vanilla flavor—40 cases and 40 cartons each containing 12 bottles at St. Louis, and 50 cases each containing 24 bottles and 19 cartons each containing 12 bottles at Kansas City, Mo.; 8 cases each containing 72 bottles at Miami, and 158 cartons each containing 24 bottles at Camp Blanding (Starke), Fla.; 68 bottles at Fort Screven, Ga.; 485 cartons each containing 24 bottles at the Quartermaster Depot, New Orleans, La.; and 14 cases each containing 12 bottles at Charleston, S. C., alleging that the articles had been shipped in interstate commerce within the period from on or about July 26, 1940, to on or about March 29, 1941, by the Plantation Extract Corporation from New York, N. Y. (3 lots of the vanilla flavor were shipped under the name of Sol Leeb Co., Columbus, Ga.); and charging that a portion of the vanilla flavor was misbranded, and that the remaining lots of vanilla and the lemon flavor were adulterated and misbranded. The articles were labeled in part: (23 cases of lemon flavor) "One Quart Flavor Lemon"; (125 cases of vanilla at Bremerton) "1 Quart Imitation Vanilla Flavor"; (18 cases of vanilla at Miami) " $\frac{3}{4}$  Fl. Oz \* \* \* Pure Vanilla Extract"; (remaining lots of vanilla) "8 Fl. Oz. Pure Extract Vanilla."

The vanilla flavor (with the exception of the lot at Bremerton) was alleged to be adulterated (1) in that an imitation vanilla extract containing resinous substances not found in genuine vanilla extract had been substituted wholly or in part for "Pure Extract Vanilla"; (2) in that inferiority had been concealed through the addition of foreign resins; and (3) in that foreign resins had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was.



The vanilla flavor (with the exception of the lot at Bremerton) was alleged to be misbranded (1) in that the statement "Pure Extract Vanilla" was false and misleading as applied to an imitation vanilla extract containing resinous substances not found in genuine vanilla extract; (2) in that it was offered for sale under the name of another food; and (3) in that it was an imitation of another food and its label did not bear in type of uniform size and prominence the word "imitation" and immediately thereafter the name of the food imitated. The lot at Miami was alleged to be misbranded further in that its container was so made, formed, or filled as to be misleading. The lot of vanilla flavor at Bremerton was alleged to be misbranded (1) in that it was an imitation of another food and its label failed to bear in type of uniform size and prominence the word "imitation" and immediately thereafter the name of the food imitated; and (2) in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient.

The lemon flavor was alleged to be adulterated in that a substance, namely, a non-alcoholic lemon flavor containing less than 20 percent of oil of lemon, had been submitted for non-alcoholic lemon flavor containing 20 percent of oil of lemon. It was alleged to be misbranded in that the statements, "Formula: Oil of lemon (U. S. P. (by volume)) 20 Per Cent" and "This lemon flavor has four times the flavoring strength of ordinary commercial lemon extracts. One teaspoonful of this flavor is equal in strength to four teaspoonfuls of commercial extract and should be used accordingly," were false and misleading since it contained less than 20 percent of oil of lemon.

On October 25, 1941, the Plantation Extract Corporation having intervened and filed an answer denying the allegations of the libel against the 68 bottles of vanilla flavor at Fort Screven, Ga., the case was ordered transferred to the Eastern District of New York for consolidation with other cases for the purpose of trial. On November 26, 1941, Sol Loeb Co. having appeared as claimant and having admitted the allegations of the libel, judgment was entered ordering the case severed from the order of consolidation and further ordering that it be condemned but that it be released to the claimant under bond conditioned that it be relabeled under the supervision of the Food and Drug Administration. Between May 28 and December 8, 1941, no claimant having appeared for the remaining lots of vanilla nor for the lemon flavor, decrees were entered ordering that they be destroyed.

**2983. Misbranding of spices. U. S. v. 24½ Gross Cans of Black Pepper, 33 Gross Cans of White Pepper, 8 Gross Cans of Nutmeg, 6 Gross Cans of Cloves, and 6½ Gross Cans of Curry Powder. Default decree of condemnation and destruction. (F. D. C. No. 5685. Sample Nos. 74309-E to 74311-E, incl., 74313-E, 74314-E.)**

These products occupied approximately 75 percent of the capacity of the containers and all, except the nutmeg, were short weight.

On September 16, 1941, the United States attorney for the Southern District of New York filed a libel against the above-named products at New York, N. Y., alleging that the articles had been shipped on or about July 25, 1941, by Mutual Spice Co., Inc., from Bridgeport, Conn.; and charging that they were misbranded. The articles were labeled in part: "Continental Brand Ground Black Pepper [or "White Pepper," "Nutmeg," "Cloves," or "Curry Power"] Contents 1¼ Oz. Continental Oil Co. Distributors—Bronx, N. Y."

They were alleged to be misbranded in that their containers were so filled as to be misleading, since the spice did not occupy a reasonable amount of the available space. The black pepper, white pepper, cloves, and curry powder were alleged to be misbranded further in that the statement "Contents 1¼ Oz." was false and misleading as applied to articles that contained less than 1¼ ounces; and in that they were in package form and did not bear labels containing an accurate statement of the quantity of the contents.

On November 5, 1941, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

**2984. Adulteration and misbranding of paprika and cayenne pepper. U. S. v. 12 Cans of Paprika and 5 Cartons of Cayenne Pepper (and 4 other seizure actions against paprika). Default decrees of condemnation and destruction. (F. D. C. Nos. 4921 to 4924, incl., 5199. Sample Nos. 69181-E, 69182-E, 69185-E to 69187-E, incl., 69658-E.)**

These products contained added cornstarch and artificial color.

On June 17 and July 21, 1941, the United States attorney for the District of New Jersey filed libels against 97 5-pound cans and 26 1-pound cans of paprika,



and 5 6-pound cartons of cayenne pepper at Newark, N. J., alleging that the articles had been shipped in interstate commerce within the period from on or about January 11 to on or about April 26, 1941, by Sure Rise Baking Powder Co. from New York, N. Y.; and charging that they were adulterated and misbranded.

The articles were alleged to be adulterated (1) in that paprika and pepper containing added cornstarch and artificial color had been substituted wholly or in part for paprika and cayenne pepper, respectively, which they purported to be; (2) in that inferiority had been concealed by the addition of artificial color; and (3) in that cornstarch and artificial color had been added thereto or mixed or packed therewith so as to increase their bulk or weight, reduce their quality or strength, or make them appear better or of greater value than they were.

They were alleged to be misbranded (1) in that the statements "Imported Sweet Paprika," "Pure Imported Paprika," "Pure Imported Sweet Paprika," and "Pure Cayenne Pepper," borne on the labels, were false and misleading as applied to articles containing added cornstarch and artificial color; (2) in that they were offered for sale under the names of other foods; (3) in that they were imitations of other foods and their labels failed to bear in type of uniform size and prominence the word "imitation" and, immediately thereafter, the names of the foods imitated; (4) in that they were in package form and did not bear labels containing the name and place of business of the manufacturer, packer, or distributor; (5) in that they were fabricated from two or more ingredients and their labels failed to bear the common or usual name of each ingredient; and (6) in that they contained artificial coloring and did not bear labeling stating that fact.

On September 4, 1941, no claimant having appeared, decrees of condemnation were entered and the products were ordered destroyed.

**2985. Adulteration of ginger root. U. S. v. 47 Bags of Ginger. Consent decree of condemnation. Product ordered released under bond to be converted into an inedible product. (F. D. C. No. 6356. Sample No. 67714-E.)**

Examination showed that this product contained worm holes and further evidence of insect infestation.

On December 4, 1941, the United States attorney for the Western District of Tennessee filed a libel against 47 bags containing 5,229 pounds of ginger at Memphis, Tenn., alleging that the article had been shipped in interstate commerce on or about September 6, 1940, by J. R. Watkins Co. from Newark, N. J.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance.

It also was alleged to be adulterated under the provisions of the law applicable to drugs, as reported in D. D. N. J. No. 562.

On February 27, 1942, J. R. Watkins Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be converted under the supervision of the Food and Drug Administration into an inedible product.

## VITAMIN PREPARATIONS

**2986. Adulteration and misbranding of Adiron. U. S. v. 20 Bottles, 16 Bottles, and 600 Sample Packages of Adiron. Default decree of condemnation and destruction. (F. D. C. No. 4252. Sample Nos. 60557-E, 60558-E.)**

This product was deficient in vitamin A and its label bore false and misleading claims regarding its efficacy in the treatment of anemia.

On April 9, 1941, the United States attorney for the Eastern District of Washington filed a libel against 20 bottles each containing 60 tablets, 16 bottles each containing 250 tablets, and 600 sample packages of Adiron at Spokane, Wash., alleging that the article had been shipped in interstate commerce on or about February 5 and March 7, 1941, from Chicago, Ill., by the Lawrence Laboratories; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that a valuable constituent, namely, vitamin A, had been in whole or in part omitted or abstracted therefrom.

It was alleged to be misbranded (1) in that the statement appearing on the label, "Adiron \* \* \* Tablets, each contain \* \* \* 1200 U. S. P. XI Units Vitamin 'A,'" was false; (2) in that the following statements appearing in the labeling, "Adiron is guaranteed to carry these minimum potencies per average tablets: 1,200 USP XI Units Vitamin 'A'" and "This core is the concentrate of the vitamins, equivalent in vitamins 'A' and 'D' to one-half teaspoonful of fresh U. S. P. standard cod liver oil," were false when applied to an article



which contained only 67 U. S. P. units of vitamin A per tablet; and (3) in that statements, designs, and devices in the labeling which represented that it would be efficacious in the treatment of nutritional (secondary) anemia, that it would make new blood and improve and maintain the health, were false and misleading since it could not be relied upon to produce the effects claimed.

It was also alleged to be adulterated and misbranded in violation of the provisions of the law applicable to drugs, as reported in D. D. N. J. No. 567.

On May 26, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2987. Adulteration and misbranding of Bio Vita Vitamin Oil. U. S. v. 23 Gallon Cans of Bio Vita Vitamin Oil. Default decree of condemnation and destruction. (F. D. C. No. 4378. Sample No. 60505-E.)**

Biological examination of this product showed that it contained not more than 175 U. S. P. units of vitamin D per gram; whereas it was labeled as containing 250 U. S. P. units of vitamin D per gram. It also contained false and misleading claims in the labeling.

On April 21, 1941, the United States attorney for the District of Massachusetts filed a libel against the above-named product at Lexington, Mass., alleging that it had been shipped by Bioproducts, Inc., from Astoria, Oreg., on or about February 11, 1941; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that a valuable constituent, namely, vitamin D, had been in whole or in part abstracted therefrom.

It was alleged to be misbranded in that the following statements on the label were false and misleading since it would not be efficacious for such purposes: "250 USPXI Units Vitamin D per gram \* \* \* Vitamin A is important to good fur, to build resistance to respiratory diseases, to insure good breeding, to promote growth, to prevent urinary calculi. Aids in maintaining good skin condition."

The article was also alleged to be adulterated and misbranded under the provisions of the law applicable to drugs, as reported in D. D. N. J. No. 570.

On July 8, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2988. Adulteration and misbranding of DPS Formula No. 54. U. S. v. 35 Bottles of DPS Formula No. 54. Default decree of condemnation and destruction. (F. D. C. No. 6025. Sample No. 61376-E.)**

Examination of this product showed that it was approximately 50 percent deficient in vitamins A, C, and D.

On October 21, 1941, the United States attorney for the District of Oregon filed a libel against 35 bottles, each containing 80 DPS Formula No. 54 tablets, alleging that the article had been shipped on or about July 7 and August 20, 1941, by Dartell Laboratories from Los Angeles, Calif.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that valuable constituents, i. e., vitamins A, C, and D, had been in whole or in part omitted or abstracted therefrom.

It was alleged to be misbranded: (1) In that statements appearing on the label, "Each Tablet Contains \* \* \* Vitamin D . . . 700 USP XI Units, Vitamin C . . . 100 International Units, Vitamin A . . . 1000 International Units," were false and misleading since it contained less than the stated amounts of vitamins A, C, and D. (2) In that the following words and device appearing on the label, "DPS Formula No. 54," were false and misleading since they referred and related to the statement "DPS Formula No. 54 . . . Indications: Hyperacidity, Nervousness, Low blood calcium, Moist type skin disorders, Pregnancy and lactation, Soft teeth and bone, Respiratory disorders, Asthma, Sinusitis, Tuberculosis," appearing in a certain catalog entitled "Dartell Formulae" distributed by the consignor and in the possession of the consignee, whereby said words and device suggested and represented that the article was an adequate and effective remedy for the conditions enumerated in the catalog; whereas it was not an adequate and effective remedy for such conditions. (3) In that it was fabricated from two or more ingredients and the label failed to bear a list of such ingredients by their common or usual names.

It was also alleged to be adulterated and misbranded under the provisions of the law applicable to drugs, as reported in D. D. N. J. No. 564.

On December 16, 1941, no claimant having appeared, judgment of condemnation was entered and the product was order destroyed.



**2989. Adulteration and misbranding of McCollum's Vitamin A and D Tablets. U. S. v. 8 Bottles of McCollum's Vitamin A and D Tablets. Default decree of condemnation and destruction. (F. D. C. No. 5694. Sample No. 61358-E.)**

Examination of this product showed that it was more than 50 percent deficient in vitamin A and more than 40 percent deficient in vitamin D.

On September 16, 1941, the United States attorney for the District of Oregon filed a libel against 8 bottles, each containing 60 tablets, of the above-named product at Portland, Oreg., alleging that the article had been shipped on or about July 12 and 25, 1941, by McCollum Laboratories from Hollywood, Calif.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that valuable constituents, namely, vitamins A and D, had been in whole or in part omitted or abstracted therefrom. It was alleged to be misbranded in that the statement on the label, "Each tablet contains 3000 International Units of Vitamin A \* \* \* and 300 International Units of Vitamin D," was false and misleading.

It was also alleged to be adulterated and misbranded under the provisions of the law applicable to drugs, as reported in D. D. N. J. No. 569.

On December 21, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2990. Misbranding of thiamin chloride B<sub>1</sub>. U. S. v. 239 Bottles of Thiamin Chloride B<sub>1</sub> with Accompanying Labeling. Default decree of condemnation. Product ordered distributed to local hospitals. (F. D. C. No. 4826. Sample No. 50234-E.)**

This product, which was a milk sugar tablet containing vitamin B<sub>1</sub>, contained false and misleading statements on the label regarding its value in the correction of the alcoholic habit and certain nervous disturbances.

On May 24, 1941, the United States attorney for the District of Maryland filed a libel against 239 bottles, each containing 100 tablets, of thiamin chloride B<sub>1</sub> at Baltimore, Md. (on June 4, 1941, the libel was amended to include accompanying labeling), alleging that the article had been shipped by Geo. M. Beringer, Inc., from Camden, N. J., on or about November 11, 1940; and charging that it was misbranded in that representations in the labeling regarding its efficacy in the correction of the alcoholic habit, nervous indigestion, nervous headaches, and neuralgic pain, were false and misleading since it would not be efficacious for such purposes.

It also was alleged to be misbranded under the provisions of the law applicable to drugs, as reported in D. D. N. J. No. 581.

On July 12, 1941, no claimant having appeared, judgment of condemnation was entered and the product was delivered to a local hospital for clinical use.

**2991. Adulteration and misbranding of Vitamin A-D Tablets. U. S. v. 15 Cartons of Vitamin A-D Tablets. Default decree of condemnation and destruction. (F. D. C. No. 5154. Sample No. 65018-E.)**

Each of these tablets was represented to contain 3,150 U. S. P. units of vitamin A, but biological examination showed that they contained not more than 2,500 U. S. P. units of vitamin A per tablet.

On July 15, 1941, the United States attorney for the District of Colorado filed a libel against 15 cartons each containing 90 vitamin A-D tablets at Denver, Colo., which had been consigned by Bleything Laboratories, alleging that the article had been shipped from Los Angeles, Calif., on or about March 7 and 11, 1941; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that a valuable constituent, namely, vitamin A, had been in whole or in part omitted or abstracted therefrom. It was alleged to be misbranded in that the statement on the label, "Each tablet contains not less than 3,150 U. S. P. units of vitamin 'A'," was false and misleading.

It was also alleged to be adulterated and misbranded under the provisions of the law applicable to drugs, as reported in D. D. N. J. No. 475.

On September 17, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

#### MISCELLANEOUS

**2992. Misbranding of gelatin. U. S. v. 59 Dozen Cartons of Gelatin. Default decree of condemnation. Product ordered delivered to a local charitable organization. (F. D. C. No. 5470. Sample No. 74304-E.)**

Each carton of this product contained a paper bag of gelatin and a recipe booklet. The gelatin occupied on an average only about 40 percent of the capacity of the carton.



On August 28, 1941, the United States attorney for the District of New Jersey filed a libel against 59 dozen cartons of gelatin at Newark, N. J., alleging that the article had been shipped on or about June 17, 1941, by Peter Cooper's Gelatine from New York, N. Y.; and charging that it was misbranded in that its container was so made, formed, or filled as to be misleading. The article was labeled in part: (Cartons) "Peter Cooper's Clarified Gelatine Jellies, Blanc Mange, Charlotte Russe \* \* \* Net Weight 1½ Ozs."

On November 18, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a local charitable organization.

**2993. Adulteration of bonita livers. U. S. v. 122 Cans of Bonita Livers. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 5417. Sample No. 63538-E.)**

Portions of this product were found to be decomposed and putrid.

On August 20, 1941, the United States attorney for the Western District of Washington filed a libel against 122 5-gallon cans of bonita livers at Seattle, Wash., alleging that the article had been shipped by Parke, Davis & Co. from San Francisco, Calif., on or about July 30, 1941; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, and decomposed substance.

It also was alleged to be adulterated under the provisions of the law applicable to drugs, as reported in D. D. N. J. No. 560.

On September 10, 1941, Parke, Davis & Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be brought into compliance with the law under the supervision of the Food and Drug Administration. Subsequently all the cans containing the product were inspected and those found to be unfit were destroyed.

**2994. Misbranding of Earles Vital Vim. U. S. v. 8 Cases of Wheat Germ. Default decree of condemnation and destruction. (F. D. C. No. 4770. Sample No. 47271-E.)**

The labeling of this product contained false and misleading therapeutic claims.

On May 19, 1941, the United States attorney for the Northern District of Illinois filed a libel against 8 cases, each containing 24 18-ounce packages, of a product labeled "Earles Vital Vim \* \* \* Pure Wheat Germ" at Chicago, Ill., alleging that the article had been shipped by W. H. Earles Co. on or about April 25, 1941; and charging that it was misbranded.

The article was alleged to be misbranded in that statements in the labeling which represented that it was efficacious to restore and maintain health and vigor; that it would be efficacious in the prevention and treatment of overweight, underweight, fatigue, colitis, constipation, neuritis, arthritis, stomach troubles, indigestion, high blood pressure, hardening of the arteries, and sleeplessness; that it would be efficacious to strengthen the digestive organs, assist intestinal activity, and bring about good digestion and proper assimilation; and that it would be efficacious to soothe the nerves and improve the circulation, tone the arteries, invigorate the heart muscles and normalize blood pressure; and ward off or prevent common colds or grip, were false and misleading since it would not be efficacious for such purposes.

It was alleged to be misbranded also under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices.

On October 1, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2995. Misbranding of Lishus. U. S. v. 19 Cases of Lishus. Default decree of condemnation and destruction. (F. D. C. No. 4043. Sample No. 55692-E.).**

This product was falsely labeled as an ideal baby food.

On April 11, 1941, the United States attorney for the District of Oregon filed a libel against 19 cases of Lishus at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about January 13, 1941, by Dr. Jackson Foods from Brooklyn, N. Y.; and charging that it was misbranded in



that the statement on the carton, "Lishus is an ideal baby food," was false and misleading since it was incorrect.

It was also alleged to be misbranded further under the provisions of the law applicable to drugs, as reported in D. D. N. J. No. 579.

On May 13, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

Nos. 2996 to 3000 report actions based on interstate shipments of Nature's Minerals (in tablet and in powder form) which, with the exception of one shipment, contained fluorine in amounts which might have rendered them injurious to health; and with the exception of the shipment described in No. 2998, bore false and misleading therapeutic claims in the labeling.

**2996. Adulteration and misbranding of Nature's Minerals Compound. U. S. v. Perry B. Smith and Thornton B. Smith (Nature's Mineral Co.). Pleas of guilty. Fines, \$200. (F. D. C. No. 4178. Sample Nos. 26127-E, 26128-E, 26483-E, 26484-E, 35031-E, 35032-E.)**

On October 27, 1941, the United States attorney for the Southern District of Indiana filed an information against Perry B. Smith and Thornton B. Smith, trading as Nature's Mineral Co., Indianapolis, Ind., alleging shipment from the State of Indiana into the States of Louisiana and Oregon, on or about August 26 and 29 and October 4, 1940, of quantities of Nature's Mineral Compound in powder and tablet form which was adulterated and misbranded.

The article was alleged to be adulterated in that it contained a poisonous substance, namely, fluorine, in an amount which might have rendered it injurious to health.

The shipment of August 29, 1940, was alleged to be misbranded in that statements appearing on the carton and bottle labels and the design in an accompanying circular of a hotel surrounded by palm trees underneath which appeared the words "Instead of \$200.00 or \$300.00 a Month," followed by an arrow showing a home underneath which were the words "You spend Only \$3.00 or 10¢ Per Day," and representations that the article could be used safely as an aid in supplying the minerals sometimes found deficient in the ordinary diet; that it would be efficacious in the treatment and alleviation of conditions for which a sojourn at a health resort is customarily prescribed; that the body normally requires the administration of alkaline substances to supplement those supplied by the usual and ordinary diet; that the effect of modern diet has been to modify the normal acid-alkali balance and, in cases of unbalance of the acid-alkali ratio, that the article would correct such unbalance; that it would restore health and prevent weakness; that the article was necessary to render the blood stream alkaline; that the ordinary diet is lacking in minerals and vitamins, which results in draining the system of its alkaline reserve; that it would correct the causes of flabby tissues and the effects of faulty elimination; that it would be efficacious to insure that the user would live to an advanced age without seeming old or losing his capacity to think or work; that it contained minerals which must be supplied specially; that it was needed for the proper functioning of important body processes; that the ordinary diet is deficient in minerals; that 99 percent of conditions of undernourishment are due to an acid condition and that it would enable every organ of the body to be nourished; that sickness, suffering, and shortness of life due to lack of minerals are general menaces; and that it would be efficacious to maintain or restore health, prevent loss of vitality, and remineralize the system, were false and misleading.

The remainder of the article was alleged to be misbranded further in that the statement appearing on the cartons and bottles, "Nature's Minerals \* \* \* May be used as an aid in supplying in concrete form the minerals sometimes found deficient in the ordinary diet," were false and misleading since they represented that it could be used safely as an aid in supplying the minerals sometimes found deficient in the ordinary diet; whereas it could not be used safely for such purpose because of the presence of fluorine in deleterious amounts.

The article was also alleged to be misbranded under the provisions of the law applicable to drugs, as reported in D. D. N. J. No. 541.

On January 31, 1942, the defendants having entered pleas of guilty, the court imposed fines of \$150 against Perry B. Smith and \$50 against Thornton B. Smith.



**2997. Adulteration and misbranding of Nature's Minerals Compound. U. S. v. 28 Vials of Nature's Minerals Compound Tablets and 24 Boxes of Nature's Minerals Compound (and 2 other seizures of similar products). Default decrees of condemnation and destruction.** (F. D. C. Nos. 3121, 3122, 3379, 3380. Sample Nos. 26483-E, 26484-E, 35031-E, 35032-E.)

On October 4 and November 26, 1940, the United States attorneys for the Southern District of Mississippi and the District of Oregon filed libels against 28 vials of Nature's Minerals Compound Tablets and 24 boxes of Nature's Minerals Compound (in powder form) at Bay St. Louis, Miss., and 12 bottles of Nature's Minerals Compound Tablets and 21 cartons of Nature's Minerals Compounds (in powder form) at Portland, Oreg., alleging that the articles had been shipped on or about August 29 and on or about October 4, 1940, by Nature's Mineral Co. from Indianapolis, Ind.; and charging that they were adulterated and misbranded.

The articles were alleged to be adulterated in that they contained a poisonous or deleterious substance, namely, fluorine, which might have rendered them injurious to health.

They were alleged to be misbranded in that representations in the labeling [these representations are set forth in F. N. J. No. 2996] were false and misleading since they would not be efficacious for such purposes.

They also were alleged to be misbranded under the provisions of the law applicable to drugs, as reported in D. D. N. J. No. 542.

On January 7 and February 25, 1941, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

**2998. Adulteration of Nature's Minerals. U. S. v. 64 Bottles of Nature's Minerals Tablets and 15 Cartons and 19 Cartons of Nature's Minerals Powder. Default decree of condemnation and destruction.** (F. D. C. No. 4819. Sample Nos. 32694-E to 32696-E, incl.)

On May 23, 1941, the United States attorney for the Southern District of California filed a libel against the above-named articles at Los Angeles, Calif., alleging that they had been shipped on or about September 19 and 26, 1940, and April 18, 1941, by Nature's Minerals Food Co. from Indianapolis, Ind.; and charging that they were adulterated.

The articles were alleged to be adulterated in that they contained a poisonous or deleterious substance, namely, fluorine, which might have rendered them injurious to health.

They also were alleged to be misbranded under the provisions of the law applicable to drugs, as reported in D. D. N. J. No. 543.

On June 17, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2999. Adulteration and misbranding of Nature's Minerals. U. S. v. 40 12-Ounce Packages, 10 6-Ounce Packages, and 15 4-Ounce Packages of Nature's Minerals. Default decree of condemnation and destruction.** (F. D. C. No. 4268. Sample Nos. 55461-E, 55462-E.)

On April 15, 1941, the United States attorney for the Western District of Washington filed a libel against the above-named product at Tacoma, Wash., alleging that it had been shipped in part by P. G. Jurich from Pasadena, Calif., on or about September 13, 1940; and January 9, 1941, and in part by Nature's Mineral Co. from Indianapolis, Ind., on or about September 17, 1940; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that it contained a poisonous or deleterious substance, namely, fluorine, which might have rendered it injurious to health.

It was alleged to be misbranded: (1) In that the statements, "Nature's Minerals may be used as an aid in supplying in concrete form the minerals sometimes found deficient in the ordinary diet. \* \* \* Recommended as a scientific combination of minerals capable of being utilized by the different organs of the body. \* \* \* Best results will be obtained by placing dry on the tongue," were false and misleading. (2) In that statements on display cards representing that it would be efficacious in the treatment or prevention of cancer, colds, hardening of the arteries, diabetes, stomach, blood, kidney, and bladder trouble, colitis, rheumatism, neuritis, and gallstone, and that by its use the purchaser would enjoy



joyous and lasting health, were false and misleading since it would not be efficacious for such purposes. (3) In that representations in an accompanying circular [these representations are set forth in F. N. J. No. 2996] were false and misleading since it would not be efficacious for such purposes.

It was alleged to be misbranded under the provisions of the law applicable to drugs, as reported in D. D. N. J. No. 544.

On June 30, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3000. Adulteration and misbranding of Nature's Minerals Compounds. U. S. v. 8 Bottles of Nature's Minerals Compounds Tablets, and 18 Cans and 20 Cans of Nature's Minerals Compounds Powder. Default decree of condemnation and destruction. (F. D. C. No. 4010. Sample Nos. 55434-E to 55436-E, incl.)**

On March 21, 1941, the United States attorney for the Western District of Washington filed a libel against the above-named product at Seattle, Wash., alleging that it had been shipped on or about January 9 and 24, 1941, by P. G. Jurich from Pasadena, Calif.; and charging that it was adulterated and misbranded.

Portions of the article (8 bottles and 18 cans) were alleged to be adulterated in that it contained a poisonous or deleterious substance, namely, fluorine, which might have rendered it injurious to health.

The article was alleged to be misbranded: (1) In that the following statements (8 bottles) "Nature's Minerals \* \* \* May be used as an aid in supplying in concrete form the minerals sometimes found deficient in the ordinary diet"; (18 cans) "Nature's Minerals \* \* \* 'Nature's Minerals' is an organic and inorganic combination representing mineral constituents which occur in the human body. \* \* \* Best results will be obtained by placing dry on the tongue \* \* \* May be used as an aid in supplying in concrete form the minerals sometimes found deficient in the ordinary diet"; and (20 cans) "Nature's Minerals \* \* \* Best results will be obtained by placing dry on tongue," were false and misleading. (2) In that statements on accompanying display cards and in circulars which represented that it would be efficacious in the treatment of arthritis, neuritis, sciatica, indigestion, diabetes, colitis, gastritis, skin and nervous ailments; that it would remineralize the system and rebuild the glands; that it would insure the user that he would live to an advanced age without seeming old or losing his capacity to think or work; that it would drain the acids from the tissue cells; that it would enter directly into the blood and would be carried to every gland, organ, nerve and muscular cell and supply any element lacking or deficient; that it would banish acid conditions of the stomach and help digestion; that it would have a purifying action on the blood and aid in the elimination of waste matter; that it would "Bring the great health Resorts right into your own home" and would alleviate conditions for which a sojourn at such resorts is customarily prescribed; that it would produce fine results in the treatment of hives, goiter, diabetes, colitis, rheumatism, high blood pressure, and liver, stomach, kidney and bladder troubles; that its use would prevent the development of goiter, skin disease, neuritis, obesity, rickets, anemia, weakness, asthma, stomach trouble, eczema, subnormal growth, nervous exhaustion, rheumatism, kidney and bladder trouble, constipation, acidosis and heart disorders, arthritis, blood disorders, high blood pressure, stomach ulcers, diabetes, bladder and kidney ulcers, tumors, mental and physical exhaustion, and premature old age; and that users might reasonably expect the article to produce normal bone development, thyroid health and vitality, improved metabolism, red blood cells, increased vitality, good teeth, alkalinity, normal cell activity, sturdy bones, clear thought, good digestion, increased gastric juices, improved heart and liver action, improved body tissue, clear skin, steady nerves, better health and vitality and to dissolve calcium in arthritis, purify the blood, nourish every gland and organ, eliminate poisons and acids, improve digestion and prevent fermentation, were false and misleading since it would not be efficacious for such purposes.

It also was alleged to be misbranded under the provisions of the law applicable to drugs, as reported in D. D. N. J. No. 545.

On June 23, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.



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<sup>1</sup> Permanent injunction issued.



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candy-----	2973	Price, W. J. :	
Libby, McNeill & Libby :		cream-----	2873
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Loeb, Sol, Co. :		Pro-Gro-----	2858
vanilla flavor-----	2982	Pruitt Produce Co. :	
Lucerne Cream & Butter Co. :		turkeys-----	2950
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Madsen, A. :		pears, canned-----	2919
butter-----	2862	Purity Stores, Ltd. :	
Majestic Flour Mills :		flavors-----	2981
flour-----	2839, 2840	Quaker Oats Co. :	
Marino Edible Oil Co. :		corn meal-----	2846
imitation olive oil-----	2964	Railton, B. A., Co. :	
Martindale, Thomas, & Co. :		tomato puree-----	2934
Slend-R-Form Candy-----	2977	Richardson, R. B. :	
Massarelli, John :		pumpnickel flour-----	2845
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Massimino, F. :		peaches, dried-----	2944
imitation olive oil-----	2963	Riggin, W. E., & Co. :	
McCollum Laboratories :		oysters-----	2893
McCollum's Vitamin A and D Tablets-----	2989	Riley Products, Inc. :	
McGrath, H. J., Co. :		Slend-R-Form Candy-----	2977, 2978
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Miles Oyster Co. :		peaches, canned-----	2918
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Miller Cereal Mills :		flour-----	2834, 2842
corn meal-----	2848	Rogol Distributors, Inc. :	
Montana Flour Mills Co. :		spray egg yolk-----	2880
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Cheddar cheese-----	2871	Schaper Products Co. :	
Mutual Spice Co., Inc. :		apples-----	2902
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Nalley's, Inc. :		haddock, frozen-----	2883
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Nature's Mineral Co. :		Seymour Orchards :	
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<sup>1</sup> Permanent injunction issued.



Slade Gorton Co.:	N. J. No.	Tower Candy Co.:	N. J. No.
fish, frozen-----	2882	candy-----	2974
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Tailman, Dewey:		peanut meal-----	2856
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Tea Garden Products Co.:		prunes-----	2946
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Tennant & Hoyt Co.:		flour-----	2844
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Terry Candy Co.:		butter-----	2866
candy-----	2973		



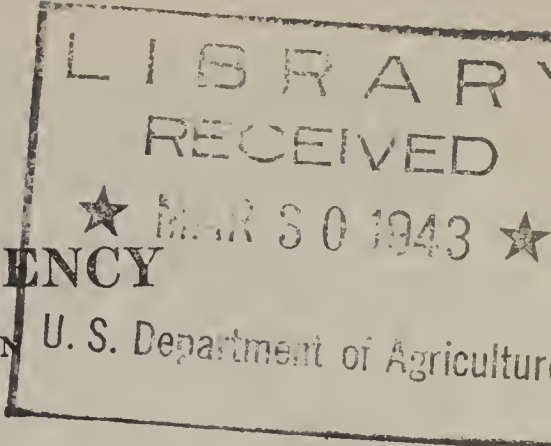








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FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION

U. S. Department of Agriculture

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG,  
AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

3001-3225

FOODS

The cases reported herewith were instituted in the United States District Courts by the United States attorneys acting upon reports submitted by direction of the Federal Security Administrator.

PAUL V. McNUTT, Administrator, Federal Security Agency.

WASHINGTON, D. C., September 24, 1942.

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BEVERAGES AND BEVERAGE MATERIALS

3001. Adulteration of grape juice. U. S. v. 1,650 Cases of Grape Juice. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 6706. Sample Nos. 83190-E, 83191-E.)

This product contained added water.  
On January 14, 1942, the United States attorney for the Western District of Louisiana filed a libel against 1,650 cases of grape juice at Monroe, La., alleging that the article had been shipped in interstate commerce on or about October 30, 1941, by the Nelson Canning Co. from Springdale, Ark.; and charging that it was adulterated in that water had been substituted in part therefor and in that water had been added thereto or mixed or packed therewith so as to increase its bulk or weight, reduce its quality or strength, or make it appear better or of greater value than it was. The article was labeled in part: (Can) "Nelson's Pure Concord Grape Juice."



On April 6, 1942, judgment of condemnation was entered and the product was ordered released under bond to the Nelson Canning Co., claimant, conditioned that it be brought into compliance with the law under the supervision of the Federal Security Agency.

**3002. Adulteration and misbranding of grape punch base. U. S. v. 36 Cases of Grape Punch Base. Default decree of condemnation and destruction. (F. D. C. No. 6371. Sample Nos. 61092-E, 85530-E.)**

This product was an artificially flavored and artificially colored imitation grape punch base containing less than 5 percent of grape juice or its equivalent in concentrated form. It was also short of the declared volume and misbranded further as indicated hereinafter.

On December 12, 1941, the United States attorney for the Western District of Washington filed a libel against 36 cases of grape punch base at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about July 9, 1940, by the E. A. Silzle Corporation, from Anaheim, Calif.; and charging that it was adulterated and misbranded. The article was labeled in part: "Citra-Gold 5 to 1 Grape Punch Base."

It was alleged to be adulterated in that a substance, namely, an artificially flavored and artificially colored imitation grape punch base which did not contain a substantial amount of grape juice or concentrated grape juice, had been substituted wholly or in part for "Grape Punch Base," an article containing a substantial amount of grape juice or concentrated grape juice; in that its inferiority had been concealed by the addition of artificial flavor and artificial color; and in that artificial flavor and artificial color had been added thereto so as to reduce its quality and make it appear better or of greater value than it was.

It was alleged to be misbranded in that the design of a cluster of grapes and the statements, "Grape Punch Base \* \* \* Concentrated Concord Grape Juice \* \* \* Grape Flavor \* \* \* grape punch," borne on the label, were false and misleading as applied to an artificially flavored and artificially colored imitation grape punch base containing little or no grape juice or concentrated grape juice; in that the statement "Net Contents 5¾ Fl. Oz." was false and misleading since it was incorrect; in that it was offered for sale under the name of another food, namely, "Grape Punch Base"; in that it was an imitation of another food, namely, grape punch base, and its label did not bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated; in that it was in package form and did not bear an accurate statement of the quantity of the contents; and in that it contained artificial flavoring and failed to bear labeling stating that fact.

On March 30, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3003. Adulteration of chocolate-flavored sirup. U. S. v. 55 Cases of Chocolate-Flavored Sirup. Default decree of condemnation and destruction. (F. D. C. No. 6085. Sample No. 22685-E.)**

This product contained rodent hairs.

On October 28, 1941, the United States attorney for the District of Oregon filed a libel against 55 cases of chocolate-flavored sirup at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about September 13, 1941, by L. De Martini Co. from San Francisco, Calif.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. It was labeled in part: (Cans) "Delux Pak' Double Strength Chocolate Flavored Syrup."

On March 23, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

## CEREAL PRODUCTS

### FLOUR

**3004. Adulteration of flour. U. S. v. 211 Bags and 374 Bags of Flour (and 6 other seizure actions against flour). Decrees of condemnation. Portions of product ordered released under bond to be reconditioned; remainder ordered destroyed. (F. D. C. Nos. 5359, 5374, 5382, 5604, 5625, 5904, 5917. Sample Nos. 48508-E, 48710-E, 49194-E, 49195-E, 49664-E to 49667-E, incl., 67412-E to 67415-E, incl., 67652-E.)**

In addition to being insect-infested, portions of this product also contained rodent hairs. The flour in two lots had been stored under insanitary condi-



tions. Most of the bags in one of these lots had been cut into by rodents, and rodent pellets were found on and around the bags in the other lot.

Between August 4 and October 2, 1941, the United States attorneys for the Southern District of Alabama, Eastern District of Louisiana, Eastern District of South Carolina, Eastern District of Arkansas, and the Southern District of Florida filed libels against the following quantities of flour—585 24-pound bags at Mobile, Ala.; 160 6-pound sacks, 146 10-pound sacks, 44 12-pound sacks, and 59 20-pound sacks at Baton Rouge, La.; 55 48-pound bags at Marion, S. C.; 48 98-pound bags and 68 48-pound bags at Little Rock and 12 98-pound bags at Searcy, Ark.; and 68 98-pound bags at St. Petersburg, Fla.; alleging that the article had been shipped within the period from on or about February 28 to on or about August 25, 1941, by General Mills, Inc., from Kansas City, Mo., Wichita Falls, Tex., Louisville, Ky., and Oklahoma City and El Reno, Okla.; and charging that it was adulterated. It was labeled in part: (Bags) "Lucky Boy Flour," "Red Star Flour \* \* \* Self Rising," "Pure Gold \* \* \* Self-Rising Flour," "Gold Medal Flour," "Soft Wheat Snow Cap Flour," "Money Maker \* \* \* Gold Medal Flour," "Bonnie Mae \* \* \* Phosphated Flour," "Potent Strong Bakers Clear Flour Bleached," or "Full Strength Gold Medal Flour."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance. Portions were alleged to be adulterated further in that the flour had been held under insanitary conditions whereby it might have become contaminated with filth.

On October 3, 1941, no claimant having appeared for the lot seized at Mobile, judgment of condemnation was entered. The court having found that the product could be manufactured into hog feed and that a reasonable price had been offered for it, ordered that it be sold on condition that the purchaser execute a bond conditioned that it be disposed of in compliance with the law under the supervision of the Food and Drug Administration, and that he pay the costs of the proceedings. On October 4, 1941, the Tropical Grocery Co., St. Petersburg, Fla., claimant for the flour seized at St. Petersburg, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be denatured and disposed of as animal feed under the supervision of the Food and Drug Administration. Between September 25 and December 8, 1941, no claimant having appeared for the remaining lots, judgments of condemnation were entered and they were ordered destroyed.

**3005. Adulteration of cake and pastry flour. U. S. v. 48 Bags of Cake and Pastry Flour. Default decree of condemnation and destruction.** (F. D. C. No. 6729. Sample No. 84237-E.)

This product was contaminated with insect fragments and rodent excreta.

On January 21, 1942, the United States attorney for the Southern District of New York filed a libel against 48 98-pound bags of cake and pastry flour at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about January 8, 1942, by H. K. Riegel (Durham Valley Mills Co.) from Durham, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Colonial Country Maid Cake & Pastry Flour."

On February 3, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**Nos. 3006 to 3015** report the seizure and disposition of flour that had been shipped in interstate commerce and was in interstate commerce at the time of examination, at which time it was found to be insect-infested. In most instances the time of contamination was not determined.

**3006. Adulteration of flour. U. S. v. 225 Bags of Flour. Default decree of condemnation and destruction.** (F. D. C. No. 5654. Sample Nos. 67446-E to 67448-E, incl.)

On September 11, 1941, the United States attorney for the Western District of Arkansas filed a libel against 225 24-pound bags of flour at Arkadelphia, Ark., alleging that the article had been shipped in interstate commerce on or about May 21 and 25, 1941, by the Fant Milling Co. from Sherman, Tex.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, i. e., insect-infested, substance. The article was labeled in part: "Missouri Special [or "Gladiola"] Flour."



On February 17, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3007. Adulteration of flour. U. S. v. 13 Bags, 38 Bags, 12 Bags, and 20 Bags of Flour. Consent decree of condemnation. Product ordered released under bond to be reconditioned. Claimant failed to comply with order and product was destroyed. (F. D. C. No. 5300. Sample Nos. 959-E, 960-E.)**

On August 2, 1941, the United States attorney for the Middle District of Georgia filed a libel against 13 48-pound bags, 50 24-pound bags, and 20 12-pound bags of flour at Athens, Ga., alleging that the article had been shipped on or about May 13, 1941, by Saxony Mills from St. Louis, Mo.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: "Sunshine Self Rising Flour"; or "Arbitrator Patent Flour."

On August 26, 1941, Talmadge Bros. & Co., Inc., Athens, Ga., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reconditioned under the supervision of the Food and Drug Administration. On October 1, 1941, claimant having failed to pay costs or file bond as provided in the order for release, the product was destroyed.

**3008. Adulteration of flour. U. S. v. 20 Sacks of Flour. Consent decree ordering product released under bond to be denatured. (F. D. C. No. 6521. Sample No. 85723-E.)**

On December 17, 1941, the United States attorney for the District of Idaho filed a libel against 20 sacks of flour at Boise, Idaho, alleging that the article had been shipped in interstate commerce on or about April 1, 1941, by Globe Mills from Ogden, Utah; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: (Sacks) "Globe Mills Bakers 'A 1' Flour Bleached."

On January 12, 1942, the Globe Mills Co., claimant, having consented to the entry of a decree, judgment was entered ordering that the product be released under bond to be denatured.

**3009. Adulteration of flour. U. S. v. 56 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 5895. Sample No. 67651-E.)**

On October 1, 1941, the United States attorney for the Eastern District of Arkansas filed a libel against 56 48-pound bags of flour at Searcy, Ark., alleging that the article had been shipped in interstate commerce on or about August 2, 1941, by the Hogan Milling Co. from Junction City, Kans.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Hogan's Best-Yet Flour."

On February 27, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3010. Adulteration of flour. U. S. v. 202 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 5993. Sample Nos. 67904-E to 67906-E, incl.)**

On October 9, 1941, the United States attorney for the Western District of Missouri filed a libel against 72 48-pound bags and 130 24-pound bags of flour at Joplin, Mo., alleging that the article had been shipped in interstate commerce on or about August 19, 1941, by Packard Flour Mills Co. from Wichita, Kans.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Flour \* \* \* National Retailer-Owned Grocers, Inc. Distributors \* \* \* Chicago."

On March 18, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3011. Adulteration of flour. U. S. v. 176 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. Nos. 5652, 5653. Sample Nos. 67444-E, 67445-E.)**

On September 11, 1941, the United States attorney for the Western District of Arkansas filed a libel against 176 24-pound bags of flour at Malvern, Ark., alleging that the article had been shipped in interstate commerce on or about June 28 and July 10 and 31, 1941 in part by the Quaker Oats Co. from St. Joseph, Mo., and in part by Flour Mills Co. of America from Alva, Okla.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Quaker Flour Made By The Quaker Oats



Company St. Joseph, Mo.”; or “Bleached Alva Roller Mills Alva, Okla. Big A Flour.”

On February 25, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3012. Adulteration of flour. U. S. v. 293 Bags, 227 Bags, and 57 Bags of Flour (and 2 other seizure actions against flour). Default decrees of condemnation and destruction.** (F. D. C. Nos. 5420, 5655, 6256. Sample Nos. 48179-E, 53797-E, 53798-E, 67443-E.)

In addition to being insect-infested, a portion of this product was also caked and smelly, showing evidence of water damage.

On or about August 25 and December 21, 1941, the United States attorneys for the Southern District of Florida and the District of Arizona filed libels against 293 6-pound bags, 227 10-pound bags, and 57 12-pound bags of flour at Jacksonville, Fla., and 17 cases, each containing 12 packages of flour at Yuma, Ariz., alleging that the article had been shipped in interstate commerce within the period from on or about January 16, 1939, to on or about May 15, 1941, from St. Joseph, Mo., by the Quaker Oats Co. On or about September 20, 1941, the United States attorney for the Western District of Arkansas filed a libel against 19 98-pound bags of flour at Hot Springs, Ark., which had been shipped by the Quaker Oats Co. from St. Joseph, Mo., on or about June 28, 1941. The article was labeled in part: “Sea Breeze Flour \* \* \* Self-Rising”; “Blue D Flour Pastry”; or “Aunt Jemima Ready-Mix Buckwheat, Corn & Wheat Flour.”

It was alleged to be adulterated in that it consisted in whole or in part of a filthy substance.

On October 13, 1941, and February 24 and 25, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**3013. Adulteration of flour. U. S. v. 16 Bags of Flour. Default decree of condemnation and destruction.** (F. D. C. No. 5338. Sample No. 35515-E.)

On August 8, 1941, the United States attorney for the Southern District of Mississippi filed a libel against 16 bags of flour at Jackson, Miss., alleging that the article had been shipped in interstate commerce on or about June 24, 1941, by Stanard-Tilton Milling Co. from Alton, Ill.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: “Stanard’s Eagle Steam Flour Bleached.”

On May 5, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3014. Adulteration of flour. U. S. v. 74, 79, and 30 Bags of Flour. Default decree of condemnation and destruction.** (F. D. C. No. 5856. Sample No. 49360-E.)

On or about September 25, 1941, the United States attorney for the Southern District of Mississippi filed a libel against 183 bags of flour at Hattiesburg, Miss., alleging that the article had been shipped in interstate commerce on or about April 3 and July 15, 1941, by the Western Star Mill Co. from Salina, Kans.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: “Dixie Dandy Flour \* \* \* Bleaching Self-Rising Flour.”

On April 14, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3015. Adulteration of flour. U. S. v. 138 Bags of Flour. Consent decree of condemnation. Product ordered released under bond for denaturing.** (F. D. C. No. 5630. Sample No. 48517-E.)

On September 8, 1941, the United States attorney for the Western District of North Carolina filed a libel against 138 bags of flour at Morganton, N. C., alleging that the article had been shipped in interstate commerce on or about April 3, 1941, by Yukon Mill & Grain Co. from Yukon, Okla.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: “Yukon’s Queen of the West Self-Rising Highest Patent Flour.”

On February 19, 1942, the Morganton Burke Grocery Co., Morganton, N. C., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be converted into animal feed under the supervision of the Food and Drug Administration.



## MISCELLANEOUS

**3016. Adulteration of rye meal. U. S. v. 18 Bags of Rye Meal. Default decree of condemnation. Product ordered delivered to a Federal institution for use as hog feed.** (F. D. C. No. 6195. Sample No. 74875-E.)

Samples of this product were found to contain rodent excreta, rodent hairs, and insect fragments.

On or about November 12, 1941, the United States attorney for the District of Connecticut filed a libel against 18 bags of rye meal at Hartford, Conn., alleging that the article had been shipped in interstate commerce on or about September 23, 1941, by J. T. Lampman & Co. from Claverack, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Red Mills Fancy Rye Meal."

On May 6, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a Federal institution for use as hog feed.

**3017. Adulteration of rice. U. S. v. 125, 31, and 2 Bags of Rice. Consent decree of condemnation. Product ordered released under bond.** (F. D. C. No. 5980. Sample Nos. 39995-E to 39998-E, incl.)

This product was insect-infested.

On October 7, 1941, the United States attorney for the Western District of Missouri filed a libel against 125 100-pound bags, 31 25-pound bags, and 2 50-pound bags of rice at Joplin, Mo., alleging that the article had been shipped in interstate commerce on or about March 17 and June 9, 1941, by the Interstate Grocer Co. from Springdale, Ark.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled variously in part: "Golden Rod Brand [or "Edith Head" or "Edith Daisy Brand"] Packed By Walton Rice Mill Inc."; "IGA Brand [or "Big Horn Brand"] \* \* \* Packed for I. G. A. Grocers Alliance Chicago, Ill."

On January 13, 1942, the Interstate Grocer Co. of Joplin, Mo., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law under the supervision of the Food and Drug Administration.

**3018. Adulteration of popcorn. U. S. v. 14 Bags of Popcorn. Default decree of condemnation and destruction.** (F. D. C. No. 6714. Sample No. 64493-E.)

This product contained rodent pellets, dirt, and coal fragments; also insect-infested kernels.

On January 15, 1942, the United States attorney for the Western District of Pennsylvania filed a libel against 14 bags of popcorn at Johnstown, Pa., alleging that the article had been shipped in interstate commerce on or about November 4, 1941, by Royale Popcorn Co., Inc., from Cleveland, Ohio; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: "Royale Brand Pop-Corn."

On February 9, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3019. Adulteration of egg noodles. U. S. v. 23 Cases, 43 Cases, 21 Cases, 37 Cases, and 29 Cases of Egg Noodles. Default decrees of condemnation and destruction.** (F. D. C. Nos. 5623, 5624. Sample Nos. 53982-E to 53985-E, incl., 53994-E, 53995-E.)

Examination showed that this product was insect-infested.

On or about September 5 and 26, 1941, the United States attorney for the District of Arizona filed libels against 66 cases each containing 24 cellophane bags, and 58 cases each containing 12 cellophane bags of egg noodles at Phoenix, and 29 cases each containing 24 packages of egg noodles at Tucson, Ariz., alleging that the article had been shipped in interstate commerce on or about November 30 and December 31, 1940, by Skinner Manufacturing Co. from Omaha, Nebr.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Skinner's \* \* \* Egg Noodles."

On October 6, 1941, and February 24, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.



**3020. Adulteration of ice cream cones. U. S. v. 99 Boxes of Cake Cones. Default decree of condemnation and destruction. (F. D. C. No. 5458. Sample No. 47875-E.)**

This product contained insect and rodent-hair fragments.

On August 29, 1941, the United States attorney for the Northern District of Ohio filed a libel against 99 boxes each containing 250 cake cones at Toledo, Ohio, alleging that the article had been transported in interstate commerce on or about March 29, 1941, from the Atlas Cone & Candy Manufacturing Co., Detroit, Mich., in the truck of the consignee; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Baby Grand Cake Cones."

On October 28, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3021. Misbranding of chicken tamales. U. S. v. Stidd's, Inc. Plea of guilty. Fine, \$2. (F. D. C. No. 2855. Sample Nos. 13160-E, 13165-E.)**

This product was short of the declared weight.

On October 30, 1940, the United States attorney for the District of Oregon filed an information against Stidd's, Inc., a corporation at Portland, Oreg., alleging introduction and delivery for introduction in interstate commerce on or about September 25, 1939, and March 6, 1940, from the State of Oregon into the State of Washington of quantities of chicken tamales that were misbranded.

The article was alleged to be misbranded (1) in that the statement "Net Contents 10 Oz. Avoir.," borne on the can label, was false and misleading since the cans contained less than 10 ounces of food; and (2) in that it was in package form and did not bear on its label an accurate statement of the quantity of contents in terms of weight.

On November 7, 1940, the defendant entered a plea of guilty and the court imposed a fine of \$1 on each of the two counts.

## FEED

**3022. Adulteration of cottonseed screenings. U. S. v. Armour & Co. (The Pine Bluff Cotton Oil Mill). Plea of nolo contendere. Fine, \$25. (F. D. C. No. 5569. Sample No. 25366-E.)**

Examination showed that this product contained not over 38.69 percent of crude protein.

On March 4, 1942, the United States attorney for the Eastern District of Arkansas filed an information against Armour & Co., doing business as the Pine Bluff Cotton Oil Mill at Pine Bluff, Ark., alleging shipment on or about February 5, 1941, from the State of Arkansas into the State of Kansas of a quantity of the above-named product which was misbranded. It was labeled in part: "100 Pounds Net 'Navy' Brand Prime Quality 41.00% Protein Cottonseed Cake and Meal Manufactured For And Guaranteed By Louis Tobian & Company Dallas, Texas. Guaranteed Analysis: Crude Protein, not less than 41.00%."

The article was alleged to be misbranded in that the statements "41.00% Protein Cottonseed Cake and Meal" and "Crude Protein, not less than 41.00%," appearing on the tag, were false and misleading since they represented that the food contained not less than 41 percent of crude protein; whereas it contained not more than 38.69 percent of crude protein.

On April 20, 1942, a plea of nolo contendere was entered on behalf of the defendant and the court imposed a fine of \$25.

**3023. Misbranding of alfalfa leaf meal and alfalfa meal. U. S. v. 29 Bags of Alfalfa Leaf Meal and 276 Bags of Alfalfa Meal. Consent decree of condemnation. Products ordered released under bond for relabeling. (F. D. C. No. 5687. Sample Nos. 18668-E, 18669-E.)**

These products contained less protein and more fiber than the percentages declared.

On September 11, 1941, the United States attorney for the District of Maryland filed a libel against 29 bags of alfalfa leaf meal and 276 bags of alfalfa meal at Washington Grove, Md., alleging that the articles had been shipped in interstate commerce on or about August 4, 1941, by Saunders Mills, Inc., from Toledo, Ohio; and charging that they were misbranded. They were labeled in part: "Carotene Brand Leaf Meal" or "Alfalfa Meal."



The articles were alleged to be misbranded in that the following statements in the labeling, (Carotene brand leaf meal) "Crude Protein, not less than 20.0 Per Cent \* \* \* Crude Fiber, not more than 18.0 Per Cent" and (alfalfa meal) ("Crude Protein, not less than 13.0 Per Cent \* \* \* Crude Fiber, not more than 33.0 Per Cent," were false and misleading as applied to articles that contained an average of 16.80 percent crude protein and 29.16 percent crude fiber in the case of the former, and 12.42 percent crude protein and 36.58 percent crude fiber, in the case of the latter.

On October 30, 1941, Saunders Mills, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled in compliance with the law under the supervision of the Food and Drug Administration.

## DAIRY PRODUCTS

### BUTTER

**3024. Adulteration and misbranding of butter. U. S. v. 400 Cartons of Butter. Consent decree of condemnation. Product ordered released under bond for conversion into animal food. (F. D. C. No. 2721. Sample No. 4063-E.)**

On August 13, 1940, the United States attorney for the Eastern District of Michigan filed a libel against 400 cartons, each containing 32 1-pound rolls of butter at Detroit, Mich., alleging that the article had been shipped in interstate commerce on or about July 27, 1940, by Armour & Co. from Chicago, Ill.; and charging that it was adulterated and misbranded. It was labeled in part: "Goldendale Butter."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, putrid, and decomposed substance.

It was alleged to be misbranded (1) in that the statements in the labeling, "1 lb. rolls" and "1 lb. net," were false and misleading since they were incorrect; and (2) in that it was in package form and did not bear a label containing an accurate statement of the quantity of contents.

On November 9, 1940, claimants Armour & Co., Pilly & Sons, Inc., Springfield, Mo., and O. E. Moore, Aurora, Mo., having admitted that the product was adulterated as alleged in the libel, judgment of condemnation was entered and it was ordered released under bond to claimant Pilley & Sons, Inc., for conversion into animal food at Sioux City, Iowa, or Omaha, Nebr. On December 12, 1940, the decree was amended to permit shipment of the product to claimant's plant at Buffalo, N. Y., for reconditioning.

**3025. Adulteration of butter. U. S. v. 8 Cartons and 12 Cartons of Butter. Consent decrees of condemnation. Product ordered released under bond to be converted into butter oil. (F. D. C. Nos. 6036, 6037. Sample Nos. 62276-E, 62277-E.)**

Examination of this product showed the presence of mold.

On September 16, 1941, the United States attorney for the Northern District of Illinois filed libels against 20 cartons of butter at Chicago, Ill., alleging that the product had been shipped in interstate commerce on September 11 and 12, 1941, by the La Belle Creamery Co. from La Belle, Mo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance.

On January 8, 1942, S. Kramme and Peder Kristensen, trading as K & K Creamery Co., Chicago, Ill., claimants, having admitted the allegations of the libel, judgments of condemnation were entered and the product was ordered released under bond conditioned that it be converted into purified butter oil.

**3026. Adulteration of butter. U. S. v. 50 Cubes of Butter (and 1 additional seizure action against butter). Default decrees of condemnation and destruction. (F. D. C. Nos. 6380, 6547. Sample Nos. 54159-E, 54164-E.)**

This product contained mold.

On November 22 and November 29, 1941, the United States attorney for the Middle District of Pennsylvania filed libels against 63 cubes of butter at Wilkes-Barre, Pa., alleging that the article had been shipped in interstate commerce on or about November 4 and 10, 1941, by Wilson & Co. from Oklahoma City, Okla.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed animal substance.

On March 17 and April 8, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed. The decree, however, provided that the marshal might sell the product at public auction



for rendering purposes but that he must witness its denaturing so that it could not be used for human consumption.

Nos. 3027 to 3033 report actions based on interstate shipments of butter that was deficient in milk fat.

**3027. Adulteration of butter. U. S. v. Minnesota Dairy Co., Inc. Plea of guilty, Fine, \$25 and costs. (F. D. C. No. 6422. Sample Nos. 46959-E.)**

On March 10, 1942, the United States attorney for the District of North Dakota filed an information against Minnesota Dairy Co., Inc., Grand Forks, N. Dak., alleging shipment on or about May 31, 1941, from the State of North Dakota into the State of New York, of a quantity of butter that was adulterated. It was labeled in part: "Creamery Butter Distributed By Zimmer & Dunkak, Inc. \* \* \* New York, N. Y."

The article was alleged to be adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom; and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On March 27, 1942, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$25 and costs.

**3028. Adulteration of butter. U. S. v. Ole N. Rhodeward (Langdon Creamery Co.). Plea of guilty. Fine, \$25 and costs. (F. D. C. No. 6402. Sample No. 56613-E.)**

On February 26, 1942, the United States attorney for the District of North Dakota filed an information against Ole N. Rhodeward, trading as Langdon Creamery Co. at Langdon, N. Dak., alleging shipment on or about May 26, 1941, from the State of North Dakota into the State of Minnesota, of a quantity of butter that was adulterated. It was labeled in part: "Distributed By Zenith-Godley Co. N. Y."

The article was alleged to be adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom; and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On March 28, 1942, the defendant having entered a plea of guilty, the court imposed a fine of \$25 and costs.

**3029. Adulteration of butter. U. S. v. 14 Boxes of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 6612. Sample No. 76479-E.)**

On December 11, 1941, the United States attorney for the Southern District of New York filed a libel against 14 boxes, each containing approximately 64 pounds, of butter at New York, N. Y., alleging that the article had been shipped on or about November 26, 1941, by Adams County Creamery from Hettinger, N. Dak.; and charging that it was adulterated in that it contained less than 80 percent by weight of milk fat. The article was labeled in part: "Fortgang Bros. \* \* \* N. Y. \* \* \* Minnesota Cry Co. St. Paul Minn."

On December 27, 1941, Fortgang Bros., Inc., New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reworked under the supervision of the Food and Drug Administration so that it contain at least 80 percent of milk fat.

**3030. Adulteration of butter. U. S. v. 16 Tubs of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 6611. Sample No. 76477-E.)**

On December 11, 1941, the United States attorney for the Southern District of New York filed a libel against 16 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about November 26, 1941, by the Edgerton Creamery Co. from Edgerton, Minn.; and charging that it was adulterated in that it contained less than 80 percent by weight of milk fat. The article was labeled in part: "Butter Breakstone Bros. Inc. Distributors New York, N. Y."

On December 26, 1941, the Edgerton Creamery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be reworked under the supervision of the Food and Drug Administration so that it contain not less than 80 percent of milk fat.



**3031. Adulteration of butter. U. S. v. 9 Cubes of Butter. Default decree of condemnation. Product ordered delivered to charitable institutions. (F. D. C. No. 6285. Sample No. 76461-E.)**

On November 8, 1941, the United States attorney for the District of Minnesota filed a libel against 9 cubes of butter at Marshall, Minn., alleging that the article had been shipped in interstate commerce on or about October 31, 1941, by Flandreaux Cooperative Creamery from Flandreaux, S. Dak.; and charging that it was adulterated in that a valuable constituent, milk fat, had been in whole or in part omitted or abstracted therefrom, and in that an article containing less than 80 percent by weight of milk fat had been substituted wholly or in part for butter.

On March 2, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions.

**3032. Adulteration of butter. U. S. v. 12 Cartons of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked and relabeled. (F. D. C. No. 6168. Sample No. 56982-E.)**

On October 22, 1941, the United States attorney for the Southern District of New York filed a libel against 12 cartons, each containing approximately 64 pounds, of butter at New York, N. Y., alleging that the article had been shipped on or about October 9, 1941, by Nick's Produce Co. from Lemmon, S. Dak.; and charging that it was adulterated. It was labeled in part: "Creamery Butter J. R. Kramer, Inc. \* \* \* New York."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which contains not less than 80 percent of milk fat, as provided by law.

On November 3, 1941, Nick's Produce Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reworked under the supervision of the Food and Drug Administration, so that it contain at least 80 percent of milk fat.

**3033. Adulteration of butter. U. S. v. 13, 16, 12, and 14 Cubes of Butter. Consent decree of condemnation. Product released under bond for reconditioning. (F. D. C. No. 6668. Sample Nos. 43397-E, 43398-E.)**

On or about December 20, 1941, the United States attorney for the Western District of Missouri filed a libel against a total of 55 cubes of butter at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about June 1, 1941, by the Southern Butter Co. from Muskogee, Okla.; and charging that it was adulterated. The article was labeled in part: (Box) "Creamery Butter S. S. Borden Co. Chicago Distributor."

The article was alleged to be adulterated in that a valuable constituent, milk fat, had been in whole or in part omitted from the article and that an article containing less than 80 percent by weight of milk fat had been substituted wholly or in part for butter.

On January 12, 1942, the Southern Butter Company, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was released under bond for reworking under the supervision of the Food and Drug Administration.

#### CHEESE

**3034. Adulteration of Cheddar cheese. U. S. v. 3 Hoops and 3 Longhorns of Cheese. Default decree of condemnation. Product destroyed. (F. D. C. No. 6046. Sample No. 65539-E.)**

Examination of this product showed the presence of a roach, insect fragments, and nondescript dirt.

On October 23, 1941, the United States attorney for the District of New Mexico filed a libel against 3 hoops and 3 longhorns of Cheddar cheese at Tucumcari, N. Mex., alleging that the article had been shipped in interstate commerce on or about September 17, 1941, by Armour & Co. from Amarillo, Tex.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Armour's Cloverbloom."

On December 6, 1941, no claimant having appeared, judgment was entered condemning and forfeiting the product. It was destroyed by the United States marshal on the same date.



**3035. Adulteration of Cheddar cheese. U. S. v. 91 Cases of Cheddar Cheese. Default decree of condemnation and destruction. (F. D. C. No. 6718. Sample No. 83283-E.)**

This product contained rodent hair, insect fragments, and nondescript dirt.

On January 26, 1942, the United States attorney for the Western District of Louisiana filed a libel against 91 cases of Cheddar cheese at Alexandria, La., alleging that the article had been shipped in interstate commerce on or about November 19, 1941, by the Bexar Cheese Co. from San Antonio, Tex.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On June 4, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3036. Adulteration of Cheddar cheese. U. S. v. 47 Cases of Cheddar Cheese. Default decree of condemnation and destruction. (F. D. C. No. 6357. Sample No. 72302-E.)**

This product was contaminated with insect fragments and rodent hairs.

On December 5, 1941, the United States attorney for the District of Arizona filed a libel against 47 cases each containing 4 12-pound Cheddar cheeses at Phoenix, Ariz., alleging that the article had been shipped in interstate commerce on or about October 29, 1941, by Allen Cooper from Center, Colo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On March 2, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3037. Adulteration of Cheddar cheese. U. S. v. 21 Cases and 46½ Cases of Cheddar Cheese. Default decrees of condemnation and destruction. (F. D. C. Nos. 6703, 6704. Sample Nos. 83282-E, 83330-E.)**

This product contained rodent hairs and miscellaneous filth.

On January 17, 1942, the United States attorney for the Eastern District of Louisiana filed a libel against 21 cases of Cheddar cheese at New Orleans and 46½ cases at Baton Rouge, La., alleging that the article had been shipped in interstate commerce on or about December 15 and 20, 1941, by the Fort Worth Poultry & Egg Co. from Fort Worth, Tex.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: (Cases) "Armour's Cloverbloom American Cheddar Cheese Armour Creameries, Distributors."

On March 25, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**3038. Adulteration of cheese. U. S. v. 22 Cases of Cheese. Default decree of destruction. (F. D. C. No. 5959. Sample No. 58165-E.)**

Examination showed that this product contained insect fragments.

On October 3, 1941, the United States attorney for the District of Minnesota filed a libel against 22 cases, each containing 12 pound prints, of cheese at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce on or about September 12, 1941, by Hersey Cheese Factory from Hersey, Wis.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Hersey Brand Prim-Ost."

On March 4, 1942, no claimant having appeared, judgment was entered ordering that the product be destroyed.

**3039. Adulteration of Cheddar cheese. U. S. v. 203 Boxes, 206 Boxes, and 218 Boxes of Cheddar Cheese. Default decree of condemnation and destruction. (F. D. C. No. 6298. Sample No. 53590-E.)**

Examination showed that this product contained insect fragments.

On November 27, 1941, the United States attorney for the Southern District of California filed a libel against 627 boxes of Cheddar cheese at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about September 22 and 29 and October 11, 1941, by Jerome Cooperative Creamery from Twin Falls, Idaho; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance; and (1 code only) in that it had been prepared under insanitary conditions whereby it might have become



contaminated with filth. The article was labeled in part: "Cheddar Whole Milk Cheese Distributed by Challenge Cream & Butter Assn."

On December 19, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3040. Adulteration of Cheddar cheese. U. S. v. 18 Boxes of Cheddar Cheese. Default decree of condemnation and destruction. (F. D. C. No. 6707. Sample No. 83189-E.)**

This product contained insect fragments, feather fragments, metallic particles, and numerous small plant particles.

On January 14, 1942, the United States attorney for the Western District of Louisiana filed a libel against 18 boxes of Cheddar cheese at Alexandria, La., alleging that the article had been shipped in interstate commerce on or about December 3, 1941, by the Kadane Creamery from Dallas, Tex.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: (Boxes) "Armour's Cloverbloom American Cheddar Cheese Armour Creameries Distributors."

On February 5, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3041. Adulteration of cheese. U. S. v. 36 Boxes, 33 Boxes, and 30 Boxes of Cheese. Default decrees of condemnation and destruction. (F. D. C. Nos. 6184, 6192, 6206. Sample Nos. 58242-E to 58244-E, incl.)**

Examination showed that this product contained insect fragments. A portion also contained mammalian hairs resembling rodent hairs.

On November 6, 7, and 12, 1941, the United States attorney for the Eastern District of Wisconsin filed libels against 99 boxes of cheese at Green Bay, Wis., alleging that the article had been shipped in interstate commerce on or about October 10 and 20, 1941, by Land O'Lakes Creameries, Inc., from Pine Island, Minn.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On December 5 and 17, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**3042. Adulteration of cheese. U. S. v. 144 Boxes of Cheese. Default decree of condemnation and destruction. (F. D. C. No. 6269. Sample Nos. 58253-E, 58255-E to 58257-E, incl., 58259-E.)**

Examination showed that this product contained insect fragments.

On November 21, 1941, the United States attorney for the Western District of Wisconsin filed a libel against 144 boxes of cheese at Thorp, Wis., alleging that the article had been shipped in interstate commerce on or about October 9 and 16 and November 1, 1941, by Parkin Bros. from Pine Island, Minn.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On January 13, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3043. Adulteration of Cheddar cheese. U. S. v. 24 Boxes and 6 Boxes of Cheddar Cheese. Default decree of condemnation and destruction. (F. D. C. No. 5473. Sample Nos. 58410-E, 58411-E.)**

Examination showed that this product contained fly fragments.

On August 27, 1941, the United States attorney for the Eastern District of Wisconsin filed a libel against 30 boxes, each containing 2 cheeses at Green Bay, Wis., alleging that the article had been shipped in interstate commerce on or about August 11, 1941, by Pauly & Pauly Cheese Co. from Escanaba, Mich.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On November 19, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3044. Adulteration of cheese. U. S. v. 27 Boxes, 94 Boxes, and 34 Boxes of Cheese. Default decrees of condemnation and destruction. (F. D. C. Nos. 6201, 6227, 6250. Sample Nos. 58245-E, 58246-E, 58252-E.)**

Examination showed that this product contained insect fragments. A portion also contained hairs resembling those of rodents.



On November 12, 14, and 18, 1941, the United States attorney for the Eastern District of Wisconsin filed a libel against 155 boxes of cheese at Green Bay, Wis., alleging that the article had been shipped in interstate commerce on or about October 15, 1941, by John J. Roch from Pine Island, Minn.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On December 17, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**8045. Adulteration of Cheddar cheese. U. S. v. 57 Hoops of Cheddar Cheese. Default decree of condemnation and destruction. (F. D. C. No. 5410. Sample No. 69753-E.)**

Examination showed that this product contained rodent hairs, human hairs, and insect fragments.

On August 20, 1941, the United States attorney for the Southern District of New York filed a libel (amended on or about October 2, 1941) against 57 70-pound hoops of Cheddar cheese at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about July 24, 1941, by Stanchfield Creamery Co. from Stanchfield, Minn.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On January 27, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3046. Adulteration of Swiss cheese. U. S. v. 35 Cases of Swiss Cheese. Default decree of condemnation and destruction. (F. D. C. No. 6570. Sample No. 85118-E.)**

Examination of this product showed that it was in an advanced stage of decomposition, as evidenced by the presence of an ammoniacal odor and heavy mold.

On December 23, 1941, the United States attorney for the Western District of Washington filed a libel against 35 cases of Swiss cheese (total weight approximately 350 pounds) at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about May 1, 1941, by the Baxter Cheese Corporation from Monroe, Wis.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Armour's Specially Cured Wisconsin Swiss Cheese."

On February 19, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3047. Adulteration of Limburger cheese. U. S. v. 82 Boxes of Limburger Cheese. Consent decree of condemnation. Product ordered released under bond for salvaging. (F. D. C. No. 5947. Sample No. 62337-E.)**

Examination showed that this product contained maggots, wood splinters, insect fragments, and nondescript dirt.

On October 7, 1941, the United States attorney for the Northern District of Illinois filed a libel against 82 boxes of Limburger cheese at Chicago, Ill., alleging that the article had been shipped on or about July 8, 1941, by Max P. E. Radloff & Sons from Hustisford, Wis.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On January 16, 1942, Max P. E. Radloff & Sons, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for salvaging under the supervision of the Food and Drug Administration. The product was denatured so that it could not be used for human consumption.

**MISCELLANEOUS**

**3048. Adulteration of cream. U. S. v. Carlton Loy. Plea of not guilty. Tried to a jury. Verdict of guilty. Fine, \$50. (F. D. C. No. 2905. Sample No. 15674-E.)**

This product contained a large proportion of fat other than butterfat.

On December 31, 1940, the United States attorney for the Eastern District of Arkansas filed an information against Carlton Loy at Datto, Ark., alleging shipment on or about July 16, 1940, from the State of Arkansas into the State of Missouri of a quantity of cream which was adulterated in that a foreign fat had



been substituted in part for cream, which it purported to be; and in that a foreign fat had been added thereto or mixed therewith so as to increase its bulk or weight, reduce its quality, or make it appear better or of greater value than it was.

On May 6, 1942, the defendant having pleaded not guilty, the case was tried to a jury which returned a verdict of guilty and the court imposed a fine of \$50.

**3049. Adulteration of evaporated milk. U. S. v. 500 Cases of Evaporated Milk. Default decree of condemnation and destruction. (F. D. C. No. 6555. Sample No. 72131-E.)**

This product was contaminated with filth.

On December 23, 1941, the United States attorney for the Southern District of California filed a libel against 500 cases each containing 48 14½-ounce cans of evaporated milk at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about November 28, 1941, by Pet Milk Sales Corporation from Richmond, Utah, to itself at Los Angeles, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: (Cans) "Pet Milk \* \* \* Irradiated. Evaporated Vitamin D Content Increased \* \* \* Distributed By Pet Milk Sales Corp."

On February 13, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

### EGGS

**3050. Adulteration of shell eggs. U. S. v. Lorin Clay May (Mountain Valley Produce). Plea of guilty. Fine, \$50. (F. D. C. No. 2873. Sample No. 13652-E.)**

On November 9, 1940, the United States attorney for the District of Utah filed an information against Lorin Clay May, trading as Mountain Valley Produce at Salt Lake City, Utah, alleging shipment on or about April 10, 1940, from the State of Utah into the State of Washington of a quantity of eggs that were adulterated in that they consisted in whole or in part of a decomposed substance, or were otherwise unfit for food.

On November 23, 1940, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$50.

**3051. Alleged adulteration of shell eggs. U. S. v. Isadore B. Rutstein, alias Israel B. Rutstein, alias Ben Rutstein, alias Benjamin Rutstein, alias Ben Ruthstein. Plea of not guilty. Case tried to the court and jury. Directed verdict of not guilty. (F. D. C. No. 2126. Sample No. 67480-D.)**

This case was instituted on the charge that the product was filthy and decomposed.

On September 21, 1940, the United States attorney for the District of New Jersey filed an information against Isadore B. Rutstein, alias Israel B. Rutstein, alias Ben Rutstein, alias Benjamin Rutstein, alias Ben Ruthstein of Paterson, N. J., alleging shipment on or about October 6, 1939, from the State of New Jersey into the State of New York of a quantity of eggs that were alleged to be adulterated in that they consisted in whole and in part of a filthy, putrid, and decomposed substance.

On November 20, 1940, a plea of not guilty having been entered on behalf of the defendant, the court after conclusion of Government testimony, instructed the jury to return a verdict of not guilty as follows:

Watson, *Judge*. "The court had under consideration during the recess a motion made by counsel for the defendant. The court is satisfied that under the evidence the defendant in this case must be found to be not guilty for the reason that this court hasn't jurisdiction. In my opinion, the duty of the Government was to show that this man was transporting in interstate commerce the eggs which were bad. This, in my opinion, the Government has failed to show. The line, as I understand it, between New York and New Jersey, is not on the New York side, where the defendant was seen in the truck, we will say, according to the evidence, if that is found to be the fact by the jury. So that even though the jury should find that this defendant was on that truck on the ferry when it landed on the New York side, there is nothing to show that he was driving the truck when it was in the State of New Jersey or any State other than the State of New York.



"Members of the jury: Undoubtedly you have heard what the court has said with reference to the motion made not in your presence. And it becomes the duty of the court to ask you to render a verdict of not guilty."

Nos. 3052 to 3055 report the seizure and disposition of frozen eggs that were in whole or in part decomposed.

**3052. Adulteration of frozen eggs. U. S. v. 10 Cans, 22 Cans, and 34 Cans of Frozen Eggs. Default decrees of condemnation and destruction.** (F. D. C. Nos. 6868, 6873, 7053. Sample Nos. 90450-E, 90801-E, 90802-E.)

On February 16 and 17 and March 18, 1942, the United States attorneys for the District of Massachusetts and the District of Rhode Island filed libels against 10 30-pound cans of frozen eggs at Springfield, Mass., and 56 30-pound cans of frozen eggs at Providence, R. I., alleging that the article had been shipped in interstate commerce on or about January 23, February 2, and March 6, 1942, by Sam Greenbaum from Newark, N. J.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On March 23 and April 1 and 22, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**3053. Adulteration of frozen whole eggs. U. S. v. 75 Cans of Frozen Whole Eggs. Default decree of condemnation and destruction.** (F. D. C. No. 6655. Sample No. 84216-E.)

On January 6, 1942, the United States attorney for the District of New Jersey filed a libel against 75 cans of frozen whole eggs at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about December 16, 1941, by Marshall Kirby & Co., from Brooklyn, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On May 9, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3054. Adulteration of frozen eggs. U. S. v. 1,143 Cans of Frozen Whole Eggs and 202 Cans of Frozen Egg Meats. Consent decree of condemnation. Product ordered released under bond to be reconditioned.** (F. D. C. Nos. 6134, 6135. Sample Nos. 61831-E to 61833-E, incl.)

Examination of this product showed the presence of decomposed eggs.

On November 1, 1941, the United States attorney for the Eastern District of Washington filed a libel against 1,345 30-pound cans of frozen eggs at Spokane, Wash., alleging that the articles had been shipped in interstate commerce, the frozen whole eggs having been shipped by Northwest Poultry & Dairy Products Co. from Portland, Oreg., and the frozen egg meats having been shipped by Idaho Egg Producers from Caldwell, Idaho, within the period from on or about June 23 to on or about October 10, 1941; and charging that they were adulterated in that they consisted wholly or in part of decomposed substances.

On December 16, 1941, Northwest Poultry & Dairy Products Co. having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be reconditioned under the supervision of the Food and Drug Administration. The unfit portion was segregated and destroyed.

**3055. Adulteration of frozen eggs. U. S. v. 152 Cans of Frozen Eggs. Consent decree of condemnation. Product ordered released under bond for segregation and salvage.** (F. D. C. 6366. Sample No. 84201-E.)

Examination of this product showed the presence of decomposed eggs.

On December 9, 1941, the United States attorney for the Southern District of New York filed a libel against 152 cans of frozen eggs at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about November 19, 1941, by L. Rudolf & Co. from Jersey City, N. J.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Whites and Yolk Mixed \* \* \* Packed by Iowa Egg Company, Des Moines, Iowa."

On January 15, 1942, Samuel Dunkel & Co., Inc., New York, N. Y., claimant having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that the good portion be separated from the bad under the supervision of the Food and Drug Administration and that the latter be destroyed or denatured.



**3056. Adulteration and misbranding of spray egg yolk. U. S. v. 8 Cases of Spray Hen Egg Yolk. Consent decree of condemnation. Product ordered released under bond to be denatured.** (F. D. C. No. 4936. Sample No. 69060-E.)

In this case soybean flour and carotin had been substituted in whole or in part for dried egg yolk.

On June 17, 1941, the United States attorney for the District of New Jersey filed a libel against 8 200-pound cases of spray egg yolk at Hackensack, N. J., alleging that the article had been shipped on or about April 10, 1941, by Rogol Distributors, Inc., from Brooklyn, N. Y.; and charging that it was adulterated and misbranded. It was labeled in part: "Spray Hen Egg Yolk Packed By Hongkong Export."

The article was alleged to be adulterated (1) in that a substance, spray dried egg yolk containing soybean flour with added carotin, had been substituted wholly or in part for spray hen egg yolk, which it purported to be; and (2) in that soybean flour with added carotin had been added thereto or mixed or packed therewith so as to reduce its quality or strength.

It was alleged to be misbranded (1) in that the name "Spray Hen Egg Yolk" was false and misleading as applied to spray dried egg yolk containing soybean flour with added carotin; (2) in that it was offered for sale under the name of another food; and (3) in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient.

On May 1, 1942, Rogol Distributors, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that, under the supervision of the Food and Drug Administration, it be reprocessed by the addition of 10 percent of cocoa so that it could not be sold as spray hen egg yolk but solely as a mixture of hen egg yolk, soybean flour, and cocoa, and that it be relabeled so as to comply with the law.

## FISHERIES PRODUCTS

### SHELLFISH

**Nos. 3057 to 3061** report the seizure and disposition of crab meat that was contaminated by *Escherichia coli*.

**3057. Adulteration of crab meat. U. S. v. Harold M. Wallace (Gulf Crabmeat Co.). Plea of guilty. Fine \$25; fine remitted.** (F. D. C. No. 2922. Sample Nos. 35015-E, 35166-E, 35233-E.)

On February 7, 1941, the United States attorney for the Southern District of Alabama filed an information against Harold M. Wallace, trading as Gulf Crabmeat Co. at Mobile, Ala., alleging shipment on or about June 19, 20, and 27, 1940, from the State of Alabama into the State of Maryland of quantities of crab meat that was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On February 11, 1942, the defendant having entered a plea of guilty, the court imposed a fine of \$25, which was remitted.

**3058. Adulteration of crab meat. U. S. v. Clarence Sprinkle (Sprinkle Seafood Co.). Plea of guilty. Fine, \$25; fine remitted.** (F. D. C. No. 2920. Sample No. 35221-E.)

Examination of this product showed that a portion contained *Escherichia coli*.

On March 8, 1941, the United States attorney for the Southern District of Alabama filed an information against Clarence Sprinkle, trading as Sprinkle Seafood Co. at Bayou La Batre, Ala., alleging that on or about June 21, 1940, the defendant gave to the Star Fish & Oyster Co., Inc., Mobile Ala., a guaranty that all crab meat furnished by the defendant to said company would be neither misbranded nor adulterated within the meaning of the Federal Food, Drug and Cosmetic Act; that on June 21, 1940, the defendant sold and delivered to the Star Fish & Oyster Co., Inc., a quantity of crab meat; and that said crab meat was delivered for introduction in interstate commerce by the purchaser from the State of Alabama into the State of Maryland.

The information charged further that the defendant had given a guaranty which was false, in violation of said act, in that the crab meat so sold and



delivered was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On February 11, 1942 the defendant having entered a plea of guilty, the court imposed a fine of \$25, which was remitted.

**3059. Adulteration of crab meat. U. S. v. William E. Thompson (W. E. Thompson Oyster Co.). Plea of guilty. Fine, \$25; fine remitted. (F. D. C. No. 2926. Sample Nos. 9784-E, 35236-E.)**

On March 8, 1941, the United States attorney for the Southern District of Alabama filed an information against William E. Thompson, trading as W. E. Thompson Oyster Co., at Theodore, Ala., alleging that on or about June 12, 1940, the defendant gave to the Star Fish & Oyster Co., Inc., Mobile, Ala., a guaranty that all crab meat furnished by the defendant to said company would be neither misbranded nor adulterated within the meaning of the Federal Food, Drug, and Cosmetic Act; that on June 22 and July 17, 1940, the defendant sold and delivered to Star Fish & Oyster Co., Inc., a quantity of crab meat; and that said crab meat was delivered by the purchaser for introduction in interstate commerce from the State of Alabama into the States of Maryland and Virginia.

The information charged further that the defendant, in violation of said act, had given a guaranty which was false since the crab meat was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On February 11, 1942, the defendant having entered a plea of guilty, the court imposed a fine of \$25, which was remitted.

**3060. Adulteration of crab meat. U. S. v. 95 Cans and 125 Cans of Crab Meat. Default decree of condemnation and destruction. (F. D. C. No. 5383. Sample No. 59431-E.)**

On or about August 15, 1941, the United States attorney for the District of Columbia filed a libel against 95 pound cans of claw crab meat and 125 pound cans of regular crab meat at Washington, D. C., alleging that the article had been shipped in interstate commerce on August 12, 1941, by N. R. Coulbourn from Hampton, Va.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On September 25, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3061. Adulteration of crab meat. U. S. v. 236 Cans and 87 Cans of Crab Meat. Default decree of condemnation and destruction. (F. D. C. No. 5384. Sample No. 59432-E.)**

On or about August 15, 1941, the United States attorney for the District of Columbia filed a libel against 236 pound cans of regular crab meat and 87 pound cans of claw crab meat at Washington, D. C., alleging that the article had been shipped in interstate commerce on August 12, 1941, by V. S. Lankford & Co. from Hampton, Va.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance; and in that it had been prepared and packed under insanitary conditions whereby it might have become contaminated with filth.

On September 25, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3062. Adulteration of oysters. U. S. v. 85 Cans of Oysters. Default decree of condemnation and destruction. (F. D. C. No. 6653. Sample No. 53682-E.)**

This product was decomposed.

On January 3, 1942, the United States attorney for the Southern District of California filed a libel against 85 cans of oysters, alleging that the article had been shipped in interstate commerce on or about November 13, 1941, by the Oyster Bay Oyster Co. from Oyster Bay, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Can) "Seawanhaka Brand Oysters."

On February 13, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.



Nos. 3063 to 3065 report the seizure and disposition of oysters that contained added water.

**3063. Adulteration of oysters. U. S. v. 88 Pints of Oysters. Default decree of condemnation and destruction.** (F. D. C. No. 3570. Sample No. 24835-E.)

On December 20, 1940, the United States attorney for the Middle District of Pennsylvania filed a libel against 88 pints of oysters at Kingston, Pa., alleging that the article had been shipped in interstate commerce on or about December 16, 1940, by the Crisfield Packing Co. from Crisfield, Md.; and charging that it was adulterated. It was labeled in part: "M and V Brand \* \* \* Oysters."

The article was alleged to be adulterated (1) in that water had been substituted in whole or in part therefor; and (2) in that water had been added thereto or mixed or packed therewith so as to increase its bulk or weight, reduce its quality or strength, or make it appear better or of greater value than it was.

On February 27, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3064. Adulteration of oysters. U. S. v. 60 Pint Cans and 24 Pint Cans of Oysters. Default decree of condemnation and destruction.** (F. D. C. No. 6615. Sample No. 54844-E.)

On December 26, 1941, the United States attorney for the Middle District of Pennsylvania filed a libel against 84 pint cans of oysters at Harrisburg, Pa., alleging that the article had been shipped in interstate commerce on or about December 22, 1941, by Travers Bros. from Baltimore, Md.; and charging that it was adulterated. The article was labeled in part: (Can) "Blue Cross Brand Fresh Oysters."

It was alleged to be adulterated in that water had been substituted wholly or in part therefor, and in that water had been added thereto, or mixed or packed therewith so as to increase its bulk or weight or reduce its quality.

On January 29, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3065. Adulteration of oysters. U. S. v. 281 Pints of Oysters (and 1 other seizure of oysters). Default decrees of condemnation and destruction.** (F. D. C. Nos. 6373, 6625. Sample Nos. 54805-E, 54806-E, 54846-E.)

This product contained added water.

On December 6 and 29, 1941, the United States attorney for the Middle District of Pennsylvania filed libels against 815 pint cans of oysters at York, Pa., alleging that the product had been shipped in interstate commerce on or about December 3 and 23, 1941, from Crisfield, Md., by Hickman & Sterling; and charging that it was adulterated in that water had been substituted in part therefor, and in that water had been added thereto or mixed or packed therewith so as to increase its bulk or weight or reduce its quality.

On January 27, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

#### FROZEN FISH AND SHELLFISH

Nos. 3066 to 3072 (except 3070) report the seizure and disposition of frozen fish and shellfish that was in whole or in part decomposed.

**3066. Adulteration of frozen shrimp. U. S. v. 65 Bags, 59 Bags, and 19 Bags of Frozen Shrimp. Default decree of condemnation and destruction.** (F. D. C. No. 6969. Sample Nos. 69709-E to 69711-E, incl.)

On March 4, 1942, the United States attorney for the Southern District of New York filed a libel against 143 10-pound bags of frozen shrimp at New York, N. Y., alleging that the article had been shipped in interstate commerce within the period from on or about August 14 to on or about September 6, 1941, by King Shrimp Co. from Brunswick, Ga.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On March 19, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3067. Adulteration of frozen shrimp. U. S. v. 14 Boxes of Frozen Shrimp. Default decree of condemnation and destruction.** (F. D. C. No. 6262. Sample No. 54419-E.)

On November 21, 1941, the United States attorney for the Eastern District of Pennsylvania filed a libel against 14 boxes of frozen shrimp at Philadelphia, Pa.,



alleging that the article had been shipped in interstate commerce on or about September 29 and October 1, 1941, by Sam Lewis from Brunswick, Ga.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On February 16, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3068. Adulteration of frozen shrimp. U. S. v. 2 Cases and 4 Cases of Frozen Shrimp. Decree of condemnation and destruction.** (F. D. C. No. 6840. Sample Nos. 86408-E, 86412-E.)

On February 27, 1942, the United States attorney for the Northern District of Illinois filed a libel against 6 cases of frozen headless shrimp at Chicago, Ill., alleging the article had been shipped in interstate commerce on or about October 3 and 21, 1941, by Star Fish & Oyster Co. from Mobile, Ala.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On May 28, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3069. Adulteration of frozen haddock. U. S. v. 1,652 Boxes of Frozen Haddock. Consent decree of condemnation. Product ordered released under bond for separation and destruction of unfit portion.** (F. D. C. No. 6102. Sample No. 37581-E.)

On October 30, 1941, the United States attorney for the Northern District of Georgia filed a libel against 1,652 15-pound boxes of frozen haddock at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about October 17, 1941, by Stern Fish Co. from New York, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Frozen Haddock Fillets \* \* \* Packed by Flag Fish Co."

On December 1, 1941, Stern Fish Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for separation of the good fish from the bad and the destruction of the latter under the supervision of the Food and Drug Administration, or disposition in such manner that it could not be used for food.

**3070. Adulteration of frozen herring. U. S. v. 27 Boxes of Frozen Herring. Default decree of condemnation and destruction.** (F. D. C. No. 6519. Sample No. 54532-E.)

Examination showed that this product contained parasitic worms.

On December 13, 1941, the United States attorney for the Eastern District of Pennsylvania filed a libel against 27 158-pound boxes of frozen herring at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about December 6, 1941, by F. T. James from Toronto, Canada; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Product of Canada \* \* \* Lake Herring."

On February 16, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3071. Adulteration of frozen whiting. U. S. v. 200 Boxes of Frosted Whiting. Default decree of condemnation and destruction.** (F. D. C. No. 6190. Sample Nos. 81308-E, 81312-E.)

On November 12, 1941, the United States attorney for the District of Colorado filed a libel against 200 boxes of fish at Pueblo, Colo., that had been consigned by O'Donnell-Usen Fisheries, alleging that the article had been shipped in interstate commerce on or about September 29, 1941, from Boston, Mass.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: "Frosted H & G Whiting."

On January 7, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3072. Adulteration of frozen whiting. U. S. v. 1,646 Boxes, 3,104 Pounds, and 1,896 Pounds of Frozen Whiting. Default decrees of condemnation and destruction.** (F. D. C. Nos. 5212, 5970, 5971. Sample Nos. 65092-E, 65094-E, 67293-E.)

Examination of this product disclosed the presence of decomposed fish.

On July 25 and October 4, 1941, the United States attorneys for the District of Colorado and the Southern District of Iowa filed libels against 1,646 boxes



of frozen whiting at Denver, Colo., and 5,000 pounds of frozen whiting at Davenport, Iowa, alleging that the article had been shipped in interstate commerce on or about June 24 and September 22, 1941, by Progressive Fish Co. or Progressive Fillet Co. from Gloucester, Mass.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: (Boxes) "15 Lbs. Net H & G Whiting."

On September 17 and October 29, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

#### CANNED FISH

**3073. Adulteration of canned salmon. U. S. v. Morris Muskatell and Jack Muskatell (Morris Muskatell & Sons). Plea of guilty. Fines, \$400. (F. D. C. No. 5501. Sample Nos. 52115-E, 60715-E to 60717-E, incl.)**

A portion of this product had been damaged by fire at the port of origin; all lots showed the presence of decomposed fish.

On April 1, 1942, the United States attorney for the Western District of Washington filed an information against Morris Muskatell and Jack Muskatell, co-partners, trading as Morris Muskatell & Sons at Seattle, Wash., alleging shipment on or about September 22, 1940, and March 19, 1941, from Alaska into the State of Washington of quantities of canned salmon that was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance, and was otherwise unfit for food. The article was labeled in part: "M and J [or "Peter Pan"] Brand \* \* \* Salmon."

On June 15, 1942, the defendants having entered pleas of guilty, the court imposed a fine of \$200 and costs upon each defendant.

**3074. Adulteration of canned sardines. U. S. v. 8 Cases of Canned Sardines. Default decree of condemnation and destruction. (F. D. C. No. 6043. Sample No. 75540-E.)**

Examination of this product showed that it was undergoing progressive spoilage.

On October 20, 1941, the United States attorney for the District of Massachusetts filed a libel against 8 cases of canned sardines at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about May 18, 1940, by Francis H. Leggett & Co. from New York, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. It was labeled in part: "Clita Brand Importe du Portugal \* \* \* Sardine Portoghesi."

On March 30, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3075. Adulteration of canned seafood. U. S. v. 4 Cases of Oceanburgers. Default decree of condemnation and destruction. (F. D. C. No. 6396. Sample No. 59492-E.)**

Examination showed that this product was not sterile and was undergoing progressive decomposition.

On December 12, 1941, the United States attorney for the Eastern District of Virginia filed a libel against 4 cases, each containing 24 cans, of Oceanburgers at Norfolk, Va., alleging that the article had been shipped in interstate commerce on or about November 5, 1941, by the Nomis Corporation from Jacksonville, Fla.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Penguin Brand Oceanburger Net Weight 1 Lb. 2 oz."

On January 27, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

#### FRUITS AND VEGETABLES

##### FRESH FRUITS AND VEGETABLES

**3076. Adulteration of apples. U. S. v. 798 Boxes of Apples. Default decree of condemnation and destruction. (F. D. C. No. 6527. Sample No. 70227-E.)**

This product contained excessive amounts of lead and arsenic.

On December 4, 1941, the United States attorney for the Northern District of Georgia filed a libel against 798 boxes of apples at Rome, Ga., alleging that the article had been shipped in interstate commerce on or about November 24, 1941, by H. S. Denison & Co. from Cashmere, Wash.; and charging that it was adulterated in that it bore or contained poisonous and deleterious substances which might have rendered it injurious to health. The article was labeled in part: "Dainty Maid Brand Apples."



On February 24, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3077. Adulteration of apples. U. S. v. 36 Boxes of Apples. Default decree of condemnation.** (F. D. C. No. 6665. Sample No. 49492-E.)

This product bore spray residue containing lead.

On or about December 26, 1941, the United States attorney for the Northern District of Texas filed a libel against 36 boxes of apples at Dallas, Tex., alleging that the article had been shipped in interstate commerce on or about November 19, 1941, by Independent Whse. Co., from Dryden, Wash.; and charging that it was adulterated in that it contained an added poisonous and deleterious substance, namely, lead, in an amount that might have rendered it injurious to health. The article was labeled in part: "Icicle Brand Washington Apples."

On January 30, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3078. Adulteration of apples. U. S. v. 27 and 12 Boxes of Apples. Consent decree of condemnation and destruction.** (F. D. C. No. 6666. Sample No. 66920-E.)

This product contained added arsenic and lead.

On December 23, 1941, the United States attorney for the Northern District of Illinois filed a libel against 39 boxes of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about November 8, 1941, from Yakima, Wash., by the W. E. Roche Fruit Co.; and charging that it was adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health. The article was labeled in part: "Ex Fancy Jonathan \* \* \* Yak Brand."

On January 20, 1942, the consignee having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

**3079. Adulteration of huckleberries. U. S. v. 196 Cases of Canned Huckleberries (and 3 additional seizure actions against huckleberries.) Default decrees of condemnation and destruction.** (F. D. C. Nos. 6112, 6136, 6187, 6763. Sample Nos. 60897-E, 60902-E, 60920-E, 60987-E.)

This product contained worms and insect fragments.

Between October 31, 1941, and January 26, 1942, the United States attorneys for the District of Oregon and the Northern District of California filed libels against 302 cases of canned huckleberries at Portland, Oreg., 42 cases at Eugene, Oreg., and 30 cases at San Francisco, Calif., alleging that the article had been shipped in interstate commerce within the period from on or about October 14, 1941, to on or about December 10, 1941, by the Midfield Packers in part from Olympia, Wash., to Portland, Oreg., and in part from Portland, Oreg., to San Francisco, Calif.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: (Can) "Moon-Winks Brand Water Pack Huckleberries"; or "Midfield Brand Water Pack Huckleberries."

On February 20 and March 9, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**3080. Misbranding of lingon berries. U. S. v. 16 Cartons of Lingon Berries. Consent decree of condemnation. Product released under bond for relabeling.** (F. D. C. No. 6697. Sample No. 63434-E.)

This product was short of the declared weight, and its label failed to bear an ingredient statement.

On January 14, 1942, the United States attorney for the Western District of Washington filed a libel against 16 cartons of lingon berries at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about December 15, 1941, by the Scandia Commercial Co. from San Francisco, Calif.; and charging that it was misbranded. The article was labeled in part: (Jars) "Scandia Brand Imported Preserved Lingon Berries \* \* \* 16 Ozs. Net."

It was alleged to be misbranded in that the statement on the label, "16 Ozs. Net," was false and misleading as applied to an article that was short weight; (2) in that it was in package form and its label did not bear an accurate statement of the quantity of contents; and (3) in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient.

On February 27, 1942, the Nordic Baking & Importing Co., Seattle, Wash., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.



**3081. Adulteration of red kidney beans. U. S. v. 25 Sacks of Red Kidney Beans. Default decree of condemnation and destruction. (F. D. C. No. 6224. Sample No. 67916-E.)**

This product was moldy.

On November 14, 1941, the United States attorney for the Eastern District of Arkansas filed a libel against 25 sacks of red kidney beans at Little Rock, Ark., alleging that the article had been shipped in interstate commerce on or about October 2, 1941, by Schloss & Kahn from Montgomery, Ala.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: (Sacks) "CHP Haxton Red Kidney Beans Geo. W. Haxton & Son Oakfield, N. Y."

On February 12, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

#### FROZEN FRUITS

**3082. Adulteration of frozen blackberries. U. S. v. 1 Barrel of Frozen Blackberries. Default decree of condemnation and destruction. (F. D. C. No. 6355. Sample Nos. 16887-E, 73141-E.)**

Examination of this product showed the presence of moldy berries.

On or about December 15, 1941, the United States attorney for the Western District of Missouri filed a libel against 1 barrel of frozen blackberries at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about September 16, 1941, by Tacoma Ice Co. from Sumner, Wash.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: "National Fruit Canning Co. Seattle, Wash. \* \* \* Cultivated Blackberries."

On February 13, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3083. Adulteration of frozen strawberries. U. S. v. 110 Barrels of Frozen Strawberries. Default decree of condemnation and destruction. (F. D. C. No. 6828. Sample No. 84025-E.)**

Examination of this product showed the presence of moldy berries.

On or about February 10, 1942, the United States attorney for the Southern District of New York filed a libel against 110 barrels of frozen strawberries at Bronx [New York], N. Y., alleging that the article had been shipped in interstate commerce on or about September 4, 1941, by Mukai & Son from Vashon, Wash.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Rock Garden Brand 4&1 Marshall Strawberries No. 2."

On March 2, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

#### CANNED FRUITS

**3084. Adulteration of canned blackberries. U. S. v. 277 Cartons and 46 Cases of Canned Blackberries. Decrees of condemnation. Portion released under bond; remainder ordered destroyed. (F. D. C. Nos. 6369, 6370. Sample Nos. 61586-E, 61437-E.)**

Examination of this product showed the presence of moldy berries.

On December 6, 1941, the United States attorneys for the Northern District of California and the District of Idaho filed libels against 277 cartons of canned blackberries at San Francisco, Calif., and 46 cases of canned blackberries at Boise, Idaho, alleging that the article had been shipped in interstate commerce on or about September 16 and October 24, 1941, by G. P. Halferty & Co. from Seattle, Wash.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Mountain Home Brand \* \* \* Blackberries, Haas Brothers, Distributors, Oakland"; or "Yellow Band Brand Blackberries \* \* \* Distributed by G. P. Halferty & Co. Seattle, U. S. A."

On March 4, 1942, Haas Bros. having appeared as claimant for the lot seized at San Francisco, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be brought into conformity with the law under the supervision of the Food and Drug Administration. On January 5, 1942, no claimant having appeared for the lot seized at Boise, judgment of condemnation was entered and the product was ordered destroyed.



**8085. Adulteration of canned blackberries. U. S. v. 52 Cases of Canned Blackberries. Default decree of condemnation and destruction. (F. D. C. No. 6813. Sample No. 64919-E.)**

Examination showed that this product contained insects and maggots and moldy berries.

On February 4, 1942, the United States attorney for the Western District of New York filed a libel against 52 cases of canned blackberries at Rochester, N. Y., alleging that the article had been shipped in interstate commerce by the Litteral Canning Co. from Fayetteville, Ark.; and charging that it was adulterated in that it consisted wholly or in part of a filthy and decomposed substance. It was labeled in part: "Faycano Blackberries Packed in Water."

On March 17, 1942, no claimant having appeared, default decree of condemnation was entered and the product was ordered destroyed.

**8086. Adulteration of canned blackberries. U. S. v. 53 Cases of Canned Blackberries. Default decree of condemnation and destruction. (F. D. C. No. 6688. Sample No. 72139-E.)**

Examination of this product showed the presence of moldy berries.

On January 22, 1942, the United States attorney for the Southern District of California filed a libel against 53 cases, each containing 24 cans, of blackberries at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about November 26, 1941, by Paulus Bros. Packing Co. from Salem, Oreg.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "White Tag Blackberries \* \* \* 1 Lb."

On February 16, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3087. Adulteration of canned blackberries. U. S. v. 56 Cases of Canned Blackberries. Default decree of condemnation and destruction. (F. D. C. No. 6602. Sample No. 61900-E.)**

Examination of this product showed that it contained decomposed material, as evidenced by the presence of mold.

On or about December 29, 1941, the United States attorney for the District of Montana filed a libel against 56 cases, each containing 6 No. 10 cans, of blackberries at Havre, Mont., alleging that the article had been shipped in interstate commerce on or about September 10, 1941, by the Standard Wholesale Co. from Portland, Oreg.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance, as evidenced by the presence of mold. The article was labeled in part: (Cases) "Spencerian Brand \* \* \* Blackberries \* \* \* Packed by Spencer Packing Co., Lebanon, Oregon."

On March 6, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3088. Misbranding of canned cherries. U. S. v. 48 Cases of Canned Cherries. Consent decree of forfeiture. Product ordered released under bond for relabeling. (F. D. C. No. 6845. Sample No. 85448-E.)**

Examination showed that this product was substandard in quality because of an excessive number of blemished cherries.

On February 14, 1942, the United States attorney for the District of Idaho filed a libel against 48 cases of canned cherries at Boise, Idaho, alleging that the article had been shipped in interstate commerce on or about January 26, 1942, by General Grocery Co. from Portland, Oreg.; and charging that it was misbranded. The article was labeled in part "White Star Brand Water Packed Red Sour Pitted Cherries Net Contents 6 Lb. 7 Ozs."

It was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations provided by law, but its quality fell below such standard because more than 15 percent by count of the cherries in the container were blemished and its label failed to bear, in such manner and form as the regulations specify, a statement that it fell below such standard.

On March 10, 1942, General Grocery Co., Inc., claimant, having consented to the entry of a decree, judgment of forfeiture was entered and the product was ordered released under bond conditioned that it be relabeled in compliance with the law.



**3089. Misbranding of canned cherries. U. S. v. 37 Cases of Canned Cherries. Default decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 6342. Sample No. 81401-E.)**

This product was substandard because of the presence of excessive pits.

On December 3, 1941, the United States attorney for the District of Nebraska filed a libel against 37 cases of canned cherries at North Platte, Nebr., alleging that the article had been shipped in interstate commerce on or about September 9, 1941, by Loveland Canning Co. from Loveland, Colo.; and charging that it was misbranded. It was labeled in part: "Loveland Brand Water Pack Red Tart Pitted Cherries."

The article was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law but its quality fell below such standard since more than 1 pit was present in each 20 ounces of cherries, namely, an average of 2.16 pits per 20 ounces; and its label did not bear in such manner and form as specified by the regulations a statement that it fell below such standard.

On January 27, 1942, Loveland Canning Co., claimant, having failed to answer the allegations of the libel but having applied for redelivery of the product, and the court having found that the allegations of the libel were true and that the product should be condemned, it was ordered released under bond for relabeling in compliance with the law.

**3090. Misbranding of candied cherries. U. S. v. 39 Cases of Canned Cherries. Consent decree of condemnation. Product released under bond for relabeling. (F. D. C. No. 6351. Sample No. 81403-E.)**

Examination showed that this product was substandard because of an excess of cherry pits.

On December 18, 1941, the United States attorney for the District of Wyoming filed a libel against 39 cases of canned cherries at Cheyenne, Wyo., alleging that the article had been shipped in interstate commerce on or about September 16, 1941, by Producers' Canning Co. from Ft. Collins, Colo.; and charging that it was misbranded. The article was labeled in part: "Contents 1 Lb. 3 Ozs. Highland Brand in Water Red, Tart, Pitted Cherries."

The article was alleged to be misbranded in that it was represented to be pitted cherries; whereas it contained more than 1 pit to each 20 ounces of cherries, namely, an average of 2.28 pits per 20 ounces, which was below the standard of quality prescribed by regulations provided by law.

On February 11, 1942, Producers' Canning Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled under the supervision of the Food and Drug Administration.

**3091. Misbranding of canned cherries. U. S. v. 449 Cases and 489 Cases of Canned Cherries. Consent decree ordering the product released under bond to be relabeled. (F. D. C. No. 5109. Sample Nos. 42427-E, 42428-E.)**

Examination showed that this product was substandard because more than 1 pit was present in each 20 ounces of canned cherries, namely, an average of 1.98 in one lot and 1.82 in the other. Furthermore, the vignette on the label of a portion of the product was misleading since the cherries portrayed in the dish did not appear to be pitted and were not the color of water pack cherries.

On July 10, 1941, the United States attorney for the Western District of Pennsylvania filed a libel against 938 cases, each containing 24 No. 2 cans, of cherries at McKeesport, Pa., alleging that the article had been shipped on or about February 16, 1941, by Westfield Planters Cooperative Fruit Products, Inc., from Westfield, N. Y.; and charging that it was misbranded. It was labeled in part: (Cans) "Sunny Boy [or "Tastymaid"] Brand \* \* \* Red Sour Pitted Cherries."

The article was alleged to be misbranded: (Both lots) In that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard and its label did not bear in such manner and form as the regulations specify, a statement that it fell below such standard; (Tastymaid brand only) In that its labeling was misleading since the vignette was deceptive in that cherries pictured therein did not have the appearance of pitted cherries and were not the color of water pack cherries.

On August 18, 1941, Westfield Planters Cooperative Fruit Products, Inc., claimant, having admitted the allegations of the libel, judgment was entered ordering the product released under bond to be relabeled in compliance with the law.



**3092. Misbranding of canned cherries. U. S. v. 191 Cases and 170 Cases of Canned Cherries. Consent decrees of condemnation. Product ordered released under bond for relabeling. (F. D. C. Nos. 6816, 6819. Sample Nos. 87504-E, 87711-E.)**

Examination showed that this product was not of Fancy quality as labeled, that there was excessive headspace in the cans, and that portions were short of the declared weight.

On February 5, 1942, the United States attorneys for the District of Columbia and the District of Maryland filed libels against 191 cases of canned cherries at Washington, D. C., and 170 cases of canned cherries at Frederick, Md., alleging that the article had been shipped in interstate commerce on or about July 15, 1941, and January 5 and 7, 1942, by the C. H. Musselman Co. from Biglerville, Pa.; and charging that it was misbranded. It was labeled in part: "Contents 1 Pound Musselman's Red Sour Pitted Cherries Fancy Quality."

The article was alleged to be misbranded in that the statement "Fancy Quality" was false and misleading as applied to an article that was not Fancy because of too many spotted and blemished cherries; in that it purported to be a food for which a standard of fill of container had been prescribed by regulations as provided by law but it fell below the standard of fill of container applicable thereto, and its label failed to bear, in such manner and form as the regulations specify, a statement that it fell below such standard. Portions of the article were alleged to be misbranded further in that the statement "Contents 1 Pound" was false and misleading as applied to an article that was short weight; and in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

On March 16 and 20, 1942, the C. H. Musselman Co., Biglerville, Pa., claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond conditioned that it be relabeled under the supervision of the Food and Drug Administration.

**3093. Adulteration of maraschino cherries. U. S. v. 15 Half-Gallon Jars of Maraschino Cherries. Default decree of condemnation and destruction. (F. D. C. No. 6802. Sample No. 90427-E.)**

Examination showed that this product contained hairs closely resembling those of rodents.

On February 5, 1942, the United States attorney for the District of Rhode Island filed a libel against 15 half-gallon jars of maraschino cherries at Conimicut, R. I., alleging that the article was shipped in interstate commerce on or about January 14, 1942, by Max Block & Co., Inc., from New York, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Aylesworth Cherries  $\frac{1}{10}$  of 1 Percent Benzoate Certified Color."

On April 1, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3094. Adulteration and misbranding of canned peaches. U. S. v. 173 Cases, 49 Cases, and 59 Cases of Canned Peaches. Consent decree of condemnation. Portion ordered released under bond for relabeling; remainder ordered destroyed. (F. D. C. No. 5647. Sample Nos. 48604-E, 48605-E, 48606-E.)**

One lot of this product was worm-infested and its label failed to bear the common names of the optional ingredients, viz, "Yellow Freestone" and "Halves." All lots were substandard in quality because the largest unit in the container was more than twice the weight of the smallest unit and because the peaches were not untrimmed or so trimmed as to preserve the normal shape of the units.

On or about September 13, 1941, the United States attorney for the District of Georgia filed a libel against 281 cases of canned peaches at Augusta, Ga., alleging that the article had been shipped in interstate commerce on or about August 14, 1941, by Walter P. Rawl from Gilbert, S. C.; and charging that it was misbranded and that a portion was also adulterated. The article was labeled in part: "Carolina Brand Peeled Peaches Contents 1 Lb. 3 Ozs. Packed in Water"; "Carolina Brand Yellow Freestone Peaches Halves in Water Contents 1 Lb. 12 Ozs."; and "Halves in Syrup Contents 1 Lb. 12 Ozs. Carolina Yellow Freestone Peaches."

A portion (173 cases) was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and to be misbranded in that it purported to be a food for which a definition and standard of identity had been prescribed by regulations as provided by law but its label failed to bear the



common names of the optional ingredients, "Yellow Freestone" and "Halves." All lots of the article were alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard, and its label failed to bear, in such manner and form as the regulations specify, a statement that it fell below such standard.

On March 27, 1942, Walter P. Rawl, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and 108 cases of the shipment were ordered released under bond conditioned that they be relabeled in compliance with the law and 173 cases of the product were ordered destroyed.

**3095. Misbranding of canned peaches. U. S. v. 430 Cases of Canned Peaches. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 6843. Sample No. 81141-E.)**

Examination showed this product to be unevenly trimmed.

On February 12, 1942, the United States attorney for the Western District of Texas filed a libel against 430 cases of canned peaches at El Paso, Tex., alleging the article had been shipped in interstate commerce on or about October 6 and December 9, 1941, and January 8, 1942, by Richmond-Chase Co., from San Jose, Calif.; and charging that it was misbranded. It was labeled in part: "Front Line Brand Sliced Yellow Cling Peaches In Light Syrup Net Weight 1 Lb. 13 Oz."

The article was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard because all units were not untrimmed or so trimmed as to preserve normal shape, and its label failed to bear in such manner and form as the regulations specify, a statement that it fell below such standard.

On June 1, 1942, Richmond-Chase Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be properly relabeled.

**3096. Misbranding of canned fruit cocktail. U. S. v. 94 Cases and 93 Cases of Canned Fruit Cocktail. Consent decree of condemnation. Product released under bond for relabeling. (F. D. C. No. 6831. Sample Nos. 87601-E, 87602-E.)**

Examination showed this product was not of Fancy quality as labeled.

On February 16, 1942, the United States attorney for the District of Maryland filed a libel against 187 cases, each containing 48 1-pound cans, of fruit cocktail at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about March 27 and June 2, 1941, by Foster & Wood Canning Co. from Lodi, Calif., and by the D. J. Pulis Co., from San Francisco, Calif.; and charging that it was misbranded. It was labeled in part: "Land o Lakes Fancy Fruit Cocktail in Heavy Syrup \* \* \* Distributed by Ocono Company Baltimore, Md."

The article was alleged to be misbranded in that the term "Fancy" was false and misleading as applied to an article that was not Fancy because of numerous pieces of peach and pear material which were too small to be retained on a screen with  $\frac{3}{8}$ -inch square holes, or which were more than  $\frac{3}{4}$  inch in length, some bruised pieces and pieces with peel, grapes with cap stems, and crushed grapes.

On February 19, 1942, the Baltimore Wholesale Grocery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled in compliance with the law.

**3097. Adulteration of diced mixed fruit. U. S. v. 13 Cans of Diced Mixed Fruit. Default decree of condemnation and destruction. (F. D. C. No. 6540. Sample No. 54520-E.)**

This product contained insect fragments, rodent hairs, and miscellaneous filth fragments.

On December 18, 1941, the United States attorney for the Eastern District of Pennsylvania filed a libel against 13 cans of diced mixed fruit at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce, on or about November 10, 1941, by Vienna Extract Co., from Brooklyn, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: (Cans) "Carson Diced Mixed Fruit."



On June 5, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3098. Misbranding of peach and pear tidbits. U. S. v. 90 Cases of Peach & Pear Tidbits. Decree of condemnation. Product released under bond for re-labeling. (F. D. C. No. 6577. Sample No. 22872-E.)**

The label of this product bore a vignette of a dish of fairly uniform cubes, whereas it consisted of pieces of very irregular size and shape and a substantial proportion had been disintegrated by cooking.

On December 24, 1941, the United States attorney for the Eastern District of Pennsylvania filed a libel against 90 cases of peach and pear tidbits at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about November 28, 1941, by Harcourt, Greene Co. from San Francisco, Calif.; and alleging that it was misbranded. The article was labeled in part: (Cans) "Seline Peach & Pear Tidbits [vignette] \* \* \* Packed by Schuckl & Co. Inc. San Francisco Calif."

It was alleged to be misbranded in that the vignette, showing fairly uniform cubes, was misleading as applied to a product composed of pieces of very irregular size and shape; and in that the statement "Peach & Pear Tidbits" was false and misleading as applied to a product not tidbits but consisting of irregularly shaped fragments, a substantial proportion of which had become disintegrated during the cooking process.

On February 18, 1942, Harold-Stephens Co., Allentown, Pa., having appeared as claimant, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be relabeled under the supervision of the Food and Drug Administration.

**3099. Misbranding of chopped peach-pear mix. U. S. v. 50 Cases of Peach-Pear Mix. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 6573. Sample No. 23235-E.)**

The label of this product bore a vignette of a dish of fairly uniform cubes, whereas it consisted almost entirely of small odd-shaped fragments.

On December 23, 1941, the United States attorney for the Southern District of Texas filed a libel against 50 cases of Peach-Pear Mix at Laredo, Tex., alleging that the article had been shipped in interstate commerce on or about November 24, 1941, by F. M. Ball & Co. from Oakland, Calif.; and charging that it was misbranded in that the vignette of fairly uniform cubes was misleading as applied to small odd-shaped fragments. The article was labeled in part: (Cans) "[vignette] Great Value Brand \* \* \* Peach-Pear Mix."

On March 11, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a local charitable institution.

#### CANNED VEGETABLES

**8100. Misbranding of canned wax beans. U. S. v. 12 Cases of Wax Beans. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 6562. Sample No. 70078-E.)**

This product was canned cut wax beans of Standard or Extra Standard quality, but not Fancy because of the presence in each can of appreciable proportions of beans which were too old to be of Fancy quality, were hard and mealy, and in many cases stringy.

On or about December 29, 1941, the United States attorney for the Southern District of Florida filed a libel against 12 cases of wax beans at Jacksonville, Fla., alleging that the article had been shipped in interstate commerce on or about October 18, 1941, by the Larsen Co. from Green Bay, Wis.; and charging that it was misbranded in that the word "Fancy" was false and misleading as applied to an article which was not Fancy. The article was labeled in part: (Can) "Plee-Zing \* \* \* Fancy Cut Wax Beans \* \* \* Packed \* \* \* by the Winorr Canning Company."

On January 20, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution after the word "Fancy" had been removed from all the labels.

**8101. Adulteration of canned sliced beets. U. S. v. 53 Cases of Canned Beets. Consent decree of condemnation and destruction. (F. D. C. No. 6835. Sample No. 65949-E.)**

Examination showed that this product was undergoing progressive spoilage.

On February 11, 1942, the United States attorney for the District of Colorado filed a libel against 53 cases of canned beets at Denver, Colo., which had been



consigned by the Marshall Canning Co. of Texas, alleging that the article had been shipped in interstate commerce on or about June 24, 1941, from Sugarland, Tex.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. It was labeled in part: "Marshall Sliced Beets Contents 6 Lb. 8 Oz. Distributed By Marshall Food Products Co. Marshalltown, Iowa."

On February 24, 1942, Marshall Canning Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

**3102. Misbranding of canned corn. U. S. v. 556 Cases of Canned Corn. Consent decree of condemnation. Product ordered released under bond for re-labeling. (F. D. C. No. 6711. Sample No. 11342-E.)**

This product was not of Fancy quality because of overmaturity and presence of cob and husk.

On or about January 9, 1942, the United States attorney for the Southern District of Texas filed a libel against 556 cases of canned corn at Houston, Tex., alleging that the article had been shipped in interstate commerce on or about August 20, 1941, by the Esmeralda Canning Co., from Circleville, Ohio; and charging that it was misbranded. The article was labeled in part: (Cans) "Premier Fancy Cream Style Golden Corn \* \* \* Francis H. Leggett & Co. Distributors New York, N. Y."

The article was alleged to be misbranded in that the statement "Fancy" was false and misleading as applied to an article that was not Fancy because of overmaturity and the presence of cob and husk.

On March 2, 1942, Francis H. Leggett & Co., Houston, Tex., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling, under the supervision of the Food and Drug Administration, to comply with the Federal Food, Drug, and Cosmetic Act.

**3103. Misbranding of canned corn. U. S. v. 96 Cases of Canned Corn. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 6544. Sample No. 70074-E.)**

This product was not of Fancy quality because of overmaturity and of the presence of cob and husk.

On or about December 26, 1941, the United States attorney for the Southern District of Florida filed a libel against 96 cases of canned corn at Jacksonville, Fla., alleging that the article had been shipped in interstate commerce on or about October 7, 1941, by Francis H. Leggett & Co. from New York, N. Y.; and charging that it was misbranded in that the word "Fancy" was false and misleading as applied to an article that was not of Fancy quality. The article was labeled in part: "Premier Fancy Cream Style White Corn."

On January 9, 1942, Francis H. Leggett & Co., a corporation, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

**3104. Misbranding of canned corn. U. S. v. 86 Cases of Canned Corn. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 6838. Sample No. 80158-E.)**

Examination showed that this product was not of grade A, or Fancy quality, as labeled, because of overmaturity of the kernels.

On February 10, 1942, the United States attorney for the Northern District of Ohio filed a libel against 86 cases of canned corn at Cleveland, Ohio, alleging that the article had been shipped in interstate commerce on or about January 7, 1942, by Rockfield Canning Co. from Rockfield, Wis.; and charging that it was misbranded in that the terms "Fancy" and "Grade A" were false and misleading as applied to an article that was not Fancy or Grade A because of overmaturity. The article was labeled in part: "Kroger's Country Club Quality Brand \* \* \* Fancy Whole Kernel Golden Bantam \* \* \* Distributed by the Kroger Grocery & Baking Co., Cincinnati, O."

On March 27, 1942, the Kroger Grocery & Baking Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled.



**3105. Misbranding of canned corn. U. S. v. 429 Cases of Canned Corn. Consent decree of condemnation. Product ordered released under bond for relabeling.** (F. D. C. No. 6248. Sample No. 74575-E.)

This product was not of Fancy quality because of overmaturity, too much silk, husk, cob, and poor, ragged cut.

On or about November 21, 1941, the United States attorney for the District of New Jersey filed a libel against 429 cases of canned corn at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about September 2, 1941, by H. M. Ruff & Sons from Woodbine, Pa.; and charging that it was misbranded in that the term "Fancy" was false and misleading as applied to an article that was not Fancy because of the condition shown above. The article was labeled in part: "Uco Our Best Grade Fancy Golden Sweet Whole Kernel Corn \* \* \* Uco Food Corp. Newark, N. J. Distributors."

On January 9, 1942 the Uco Food Corporation, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

**3106. Misbranding of canned corn. U. S. v. 123 Cases of Canned Corn. Consent decree of condemnation. Product ordered released under bond for relabeling.** (F. D. C. No. 6808. Sample No. 87715-E.)

Examination showed this product was not of Fancy quality because of the presence of pieces of husk and cob.

On February 3, 1942, the United States attorney for the District of Columbia filed a libel against 123 cases of canned corn at Washington, D. C., alleging that the article had been shipped in interstate commerce on or about January 26, 1942, by the B. F. Shriver Co. from Westminster, Md.; and charging that it was misbranded in that the term "Fancy" was false and misleading as applied to an article that was not Fancy because of the presence of small pieces of husk and cob. The article was labeled in part: "Aunt Nellie's Fancy Shoe Peg White Sweet Corn \* \* \* Packed For Aunt Nellie's Farm Kitchen, Inc. Hartford, Wis."

On April 7, 1942, the B. F. Shriver Co., claimant, having admitted the allegation of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled under the supervision of the Food and Drug Administration.

Nos. 3107 and 3108 report the seizure and disposition of canned peas that fell below the standard of quality for canned peas because of excessive mealiness, as evidenced by the fact that their alcohol-insoluble solids were more than 23.5 percent.

**3107. Misbranding of canned peas. U. S. v. 998 Cases, 899 Cases, and 99 Cases of Canned Peas. Consent decree ordering the product released under bond to be relabeled.** (F. D. C. No. 5679. Sample Nos. 50877-E, 59026-E.)

On September 12, 1941, the United States attorney for the Eastern District of Virginia filed a libel against 998 cases (amended on or about September 26, 1941, to cover an additional 998 cases), each containing 24 cans, of peas at Richmond, Va., alleging that the article had been shipped on or about August 12, 1941, by Mason Canning Co. from Pocomoke City, Md.; and charging that it was misbranded. One lot (998 cases) was labeled in part: (Cans) "Enfield Club Early June Peas Contents 1 Lb. 4 Ozs. Standard Quality Distributed By H. P. Taylor Jr. Inc. Richmond Va." Another lot (99 cases) was unlabeled when shipped but subsequently was labeled: "Brite-Day Brand Early June Peas Contents: 1 Lb., 4 Ozs. Distributors W. M. Gary Grocery Co., Inc. Richmond, Va." The cans in 899 cases were unlabeled.

The article was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard in that the alcohol-insoluble solids of the peas were more than 23.5 percent, and its label failed to bear in such manner and form as the regulations specify, a statement that it fell below such standard. It was alleged to be misbranded further: (998 cases) In that the statement "Standard Quality" was false and misleading because it was substandard. (899 cases and 99 cases) In that it was a food in package form and failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; and in that it was a food in package form and failed to bear a label containing an accurate statement of the quantity of the contents.



On September 27, 1941, Mason Canning Co. having appeared as claimant, judgment was entered ordering that the product be released under bond to be relabeled under the supervision of the Food and Drug Administration.

**3108. Misbranding of canned peas. U. S. v. 742 Cases, 21 Cases, and 368 Cases of Canned Peas. Portion of product ordered released under bond for relabeling; default decree of condemnation entered as to remainder, and product ordered delivered to a local charitable agency.** (F. D. C. Nos. 6253, 6696, 6809. Sample Nos. 59959-E, 87229-E, 87420-E.)

On or about November 19, 1941, and January 23 and February 10, 1942, the United States attorneys for the Northern District of West Virginia and the Western District of Virginia filed libels against 1,110 cases each containing 24 No. 2 cans of peas at Clarksburg, W. Va., and 21 cases each containing 24 No. 2 cans of peas at Winchester, Va., alleging that the article had been shipped in interstate commerce within the period from on or about June 26 to on or about October 7, 1941, by B. F. Shriver Co. from Littlestown, Pa., and Westminster, Md.; and charging that it was misbranded. It was labeled in part: (Cans) "World's Favorite Brand [or "New Windsor Brand"] Early June Peas."

The article was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard since the alcohol-insoluble solids were more than 23.5 percent, and its label failed to bear in such manner and form as the regulations specify, a statement that it fell below such standard.

On December 31, 1941, and March 21, 1942, B. F. Shriver Co. having appeared as claimant for the product seized at Clarksburg, it was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration. On March 26, 1942, no claimant having appeared for the peas at Winchester, judgment of condemnation was entered and the product was ordered delivered to a local charitable agency.

Nos. 3109 and 3110 report the seizure and disposition of canned field peas that contained insect larvae.

**3109. Adulteration of canned field peas. U. S. v. 123 Cases of Canned Field Peas (and 4 other seizure actions against canned field peas). Default decrees of condemnation and destruction.** (F. D. C. Nos. 5896 to 5900, incl. Sample Nos. 37095-E, 70106-E.)

On October 6, 1941, the United States attorney for the Eastern District of North Carolina filed libels against 322 cases each containing 24 cans of peas at Fayetteville, N. C., and 219 cases each containing 24 cans of peas at Dunn, N. C., alleging that the article had been shipped in interstate commerce on or about September 1 and 8, 1941, by Georgia Canning Co., Inc., from Wayside, Ga.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Shaver's Brand Young Tender Field Peas with Snaps Contents 14½ Ozs. Avoir."

On January 1, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**3110. Adulteration of canned field peas. U. S. v. 99 Cases of Canned Field Peas. Default decree of condemnation and destruction.** (F. D. C. No. 6288. Sample No. 48964-E.)

On November 29, 1941, the United States attorney for the Western District of South Carolina filed a libel against 99 cases of canned field peas at Greenville, S. C., alleging that the article had been shipped in interstate commerce on or about September 29, 1941, by the Kent Canning Co., from Gibson, Ga.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Cans) "Kent's Pride Georgia Field Peas With Snaps."

On January 12, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3111. Adulteration of canned spinach. U. S. v. 40 Cases of Canned Spinach. Default decree of condemnation and destruction.** (F. D. C. No. 6856. Sample No. 71678-E.)

Examination showed that this product contained cockleburrs.

On February 12, 1942, the United States attorney for the Western District of Tennessee filed a libel against 40 cases of canned spinach at Memphis, Tenn., alleging that the article had been shipped in interstate commerce on or about December 10, 1941, by Good Canning Co. from Fort Smith, Ark.; and charging that it was adulterated in that it contained an added deleterious substance,



cockleburs, which might have rendered it injurious to health. It was labeled in part: "Dependable Spinach."

On March 31, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3112. Misbranding of canned spinach. U. S. v. 26 Cases of Canned Spinach. Default decree of condemnation and destruction. (F. D. C. No. 6245. Sample No. 84508.)**

This product was not Fancy as labeled, because of the presence of yellow leaves and tough fibrous stems and leaves.

On November 18, 1941, the United States attorney for the Eastern District of New York filed a libel against 26 cases of canned spinach at Brooklyn, N. Y., alleging that the article was shipped in interstate commerce on or about April 12, 1941 by O. W. Bohannon, Inc., from Van Buren, Ark.; and charging that it was misbranded in that the term "Fancy" was false and misleading as applied to an article that was not Fancy because of yellow leaves and tough fibrous stems and leaves. The article was labeled in part: (Can) "Horn Brand Fancy Spinach \* \* \* Quality Guaranteed Einhorn's Inc. Distributors New York N. Y."

On February 4, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3113. Misbranding of canned mixed vegetables. U. S. v. 49 Cases of Vegetables for Salad. Decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 6550. Sample No. 23705-E.)**

The ingredients of this product were lima beans, diced carrots, asparagus tips, green peas, and green string beans, and its label failed to bear the common or usual names of these ingredients.

On or about December 24, 1941, the United States attorney for the Western District of Missouri filed a libel against 49 cases, each containing 24 15-ounce cans of mixed vegetables at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about December 2, 1941, by Clear Lake Cannery, Inc., of Upper Lake, Calif., from Oakland, Calif.; and charging that it was misbranded in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient. It was labeled in part: "'Good Things To Eat' Brand Vegetables for Salad."

On January 26, 1942, Fred Wolferman, Inc., having appeared as claimant, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be brought into compliance with the law under the supervision of the Food and Drug Administration.

**TOMATOES AND TOMATO PRODUCTS**

**3114. Adulteration of canned tomatoes. U. S. v. 100 Cases of Canned Tomatoes. Default decree of condemnation and destruction. (F. D. C. No. 6394. Sample No. 81507-E.)**

Examination showed that this product was undergoing progressive decomposition.

On December 12, 1941, the United States attorney for the District of New Mexico filed a libel against 100 cases, each containing 48 cans, of tomatoes at Santa Fe, N. Mex., alleging that the article had been shipped in interstate commerce on or about January 3 and 10, 1940, by Geo. W. Goddard Co. from Ogden, Utah; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Ropak Brand Tomatoes With Puree Net Weight 14 Ounces Royal Canning Corporation Packers And Distributors Ogden, Utah."

On March 6, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3115. Adulteration of canned tomatoes. U. S. v. 84 Cases of Canned Tomatoes. Default decree of condemnation and destruction. (F. D. C. No. 5061. Sample No. 266-E.)**

Examination showed that this product was undergoing progressive decomposition.

On or about July 8, 1941, the United States attorney for the Northern District of Georgia filed a libel against 84 cases, each containing 6 cans, of tomatoes at East Point, Ga., alleging that the article had been shipped in interstate commerce on or about March 10, 1941; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The libel alleged that the article had been shipped by Kemp, Day & Co. from New York, N. Y., as indicated by records collected at the time of examination of the product but subsequent investigation disclosed that this firm acted as an agent and that the



product had in fact been picked up by a trucking firm at the plant of W. T. Onley Canning Co. at Snow Hill, Md., which firm delivered it for shipment in interstate commerce. The article was labeled in part: (Cans) "Onley Brand Tomatoes Contents 6 Lbs. 6 Ozs."

On August 6, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3116. Adulteration of canned tomatoes. U. S. v. 98 Cases of Canned Tomatoes. Default decree of condemnation and destruction. (F. D. C. No. 6674. Sample No. 21619-E.)**

This product was tomatoes with puree. The added puree was made from decomposed material, as evidenced by the presence of mold.

On January 8, 1942, the United States attorney for the Eastern District of New York filed a libel against 98 cases of canned tomatoes at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on November 27, 1941, by the Manteca Canning Co. from Manteca, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Can) "Clara Brand Peeled Tomatoes With Puree \* \* \* Packed in California for Sansone Food Products Co., Brooklyn, N. Y."

On February 11, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3117. Misbranding of canned tomatoes. U. S. v. 711 Cases of Canned Tomatoes. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 6833. Sample No. 64492-E.)**

Examination showed that this product contained excessive peel.

On February 6, 1942, the United States attorney for the Western District of Pennsylvania filed a libel against 711 cases of canned tomatoes at Johnstown, Pa., alleging that the article had been shipped in interstate commerce on or about October 22, 1941, by H. P. Tull & Co. from Kingston, Md.; and charging that it was misbranded. It was labeled in part: "King of the Field Brand Tomatoes Contents 1 Lb. 3 Oz."

The article was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law but its quality fell below such standard because peel per pound of canned tomatoes in the containers covered an area of more than 1 square inch, and its label failed to bear, in such manner and form as the regulations specify, a statement that it fell below such standard.

On March 24, 1942, H. P. Tull & Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled under the supervision of the Food and Drug Administration.

**3118. Adulteration of tomato catsup. U. S. v. 22 Cases of Tomato Catsup. Default decree of condemnation and destruction. (F. D. C. No. 6632. Sample No. 85581-E.)**

This product contained worm fragments.

On January 3, 1942, the United States attorney for the Western District of Washington filed a libel against 22 cases of tomato catsup at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about August 6, 1941, by the Knight Packing Co. from Portland, Oreg.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Bottle) "Knight's Rogue River Tomato Catsup."

On April 27, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

Nos. 3119 to 3148 (except 3125) report actions based on interstate shipments of tomato products that contained decomposed material, as evidenced by the presence of excessive mold.

**3119. Adulteration of tomato catsup and tomato puree. U. S. v. The Lake Erie Canning Co. Plea of nolo contendere. Fine, \$100 and costs. (F. D. C. No. 5511. Sample Nos. 19380-E, 46779-E, 56507-E, 56508-E, 56510-E, 56522-E, 56582-E, 56583-E.)**

On November 17, 1941, the United States attorney for the Northern District of Ohio filed an information against the Lake Erie Canning Co., a corporation, Sandusky, Ohio, alleging shipment within the period from on or about October 3, 1940, to February 11, 1941, from the State of Ohio into the States of Penn-



sylvania and New York, of quantities of tomato catsup and tomato puree that were adulterated in that they consisted in whole or in part of decomposed substances.

The articles were labeled in part: "Premier \* \* \* Tomato Puree Francis H. Leggett & Co. Distributors New York"; "Queen Bess Brand Catsup \* \* \* Packed For The C. G. Meaker Co., Inc. Auburn, N. Y."; "First National Brand Tomato Catsup [or 'Puree'] \* \* \* Distributed by First National Pickle Products Brooklyn, N. Y."; "Brightwood Brand Tomato Catsup [or 'Senate Brand Tomato Puree'] \* \* \* Newell & Truesdell Company Distributors Binghamton, New York."

On May 7, 1942, a plea of nolo contendere was entered on behalf of the defendant and a fine of \$100 and costs was imposed.

**3120. Adulteration of tomato catsup. U. S. v. The Loudon Packing Company. Plea of guilty. Fine, \$200.** (F. D. C. No. 5513. Sample Nos. 47408-E, 47419-E, 47251-E, 47252-E.)

On April 10, 1942, the United States attorney for the Southern District of Indiana filed an information against the Loudon Packing Co., a corporation, Terra Haute, Ind., alleging shipment within the period from on or about November 9, 1940, to on or about February 24, 1941, from the State of Indiana into the State of Illinois of quantities of tomato catsup which was adulterated in that it consisted in whole or in part of a decomposed substance. It was labeled in part: (Bottles) "Sweet Girl Brand [or 'National Brand'] Catsup \* \* \* Distributed by National Tea Co.; (cans) "Natural Brand \* \* \* Tomato Catsup Packed for B. A. Railton Co., Chicago, Ill." The cases containing a portion were labeled in part: "Sweet Girl Brand Catsup Distributed by Sterling Food Products, Inc."

On April 22, 1942, the defendant entered a plea of guilty and the court imposed a fine of \$200.

**3121. Adulteration of tomato catsup. U. S. v. 48 Cases of Tomato Catsup. Default decree of condemnation and destruction.** (F. D. C. No. 6834. Sample No. 23748-E.)

On or about February 11, 1942, the United States attorney for the Western District of Missouri filed a libel against 48 cases of tomato catsup at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about January 27, 1942, by F. M. Ball & Co. from Oakland, Calif.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: "All Good Tomato Catsup \* \* \* Contents 6 Lb. 12 Ozs."

On April 27, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3122. Adulteration of tomato catsup. U. S. v. 80 Cases of Tomato Catsup. Default decree of condemnation and destruction.** (F. D. C. No. 6591. Sample No. 23230-E.)

On December 26, 1941, the United States attorney for the District of Massachusetts filed a libel against 80 cases, each containing 6 No. 10 cans, of tomato catsup at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about November 22, 1941, by Elmhurst Packers, Inc., from Oakland, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Zinnia Brand Tomato Catsup."

On March 23, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3123. Adulteration of tomato ketchup. U. S. v. 49 Cases and 64 Cases of Ketchup. Default decrees of condemnation and destruction.** (F. D. C. Nos. 6760, 6844. Sample Nos. 80120-E, 80162-E.)

On January 24 and February 10, 1942, the United States attorney for the Northern District of Ohio filed libels against 113 cases, each containing 6 No. 10 cans, of ketchup at Cleveland, Ohio, alleging that the article had been shipped in interstate commerce on or about August 28 and October 11, 1941, by Hirsch Bros. & Co. from Louisville, Ky.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Paramount Tomato Ketchup."

On March 2 and 6, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.



**3124. Adulteration of tomato catsup. U. S. v. 90 Cases of Tomato Catsup. Default decree of condemnation and destruction.** (F. D. C. No. 6783. Sample No. 87328-E.)

On January 30, 1942, the United States attorney for the Eastern District of Virginia filed a libel against 90 cases, each containing 6 No. 10 cans, of tomato catsup at Norfolk, Va., alleging that the article had been shipped in interstate commerce on or about December 30, 1941, by H. E. Jones & Co. from Baltimore, Md.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Val Vita Brand Tomato Catsup \* \* \* Packed by Val Vita Food Products Inc. Fullerton California."

On February 20, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3125. Adulteration of tomato catsup. U. S. v. 485 Cartons of Tomato Catsup. Default decree of condemnation and destruction.** (F. D. C. No. 6805. Sample No. 85775-E.)

Examination showed this product to be in a state of active spoilage.

On February 3, 1942, the United States attorney for the Western District of Washington filed a libel against 485 cartons of tomato catsup at Tacoma, Wash., alleging the article had been shipped in interstate commerce on or about May 4, 1941, by Kern Food Products from Los Angeles, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Sound Brand \* \* \* Tomato Catsup \* \* \* Packed for Tacoma Grocery Co. Tacoma, Aberdeen & Centralia, Wash."

On March 30, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3126. Adulteration of tomato puree and tomato catsup. U. S. v. 21 Cases of Tomato Puree (and 2 seizure actions against tomato catsup). Decrees of condemnation. Both products ordered destroyed; catsup bottles and cases salvaged.** (F. D. C. Nos. 6693, 6734, 6773. Sample Nos. 30493-E, 30498-E, 79756-E.)

Between January 12 and January 27, 1942, the United States attorneys for the Western District of Kentucky and the Eastern District of Michigan filed libels against 21 cases of tomato puree at Louisville, Ky., and a total of 1,082 cases of tomato catsup at Detroit, Mich., alleging that the articles had been shipped in interstate commerce within the period from on or about December 12, 1941, to on or about January 15, 1942, by the Morgan Packing Co. from Scottsburg and Austin, Ind.; and charging that they were adulterated in that they consisted wholly or in part of decomposed substances. The articles were labeled in part: "Scott Co. Brand Tomato Puree"; and (bottles) "Royal Gem Tomato Catsup Packed By Scottsburg Canning Co. Scottsburg, Ind."

On March 2, 1942, the Morgan Packing Co., claimant for the tomato catsup, having admitted the allegations of the libels and having petitioned release of the product for the purpose of salvaging the cases and bottles, judgments of condemnation were entered and the product was ordered released under bond conditioned that the tomato catsup be destroyed. On March 6, 1942, no claimant having appeared for the tomato puree, judgment of condemnation was entered and the product was ordered destroyed.

**3127. Adulteration of tomato catsup. U. S. v. 129 Cases and 29 Cases of Tomato Catsup. Default decrees of destruction.** (F. D. C. Nos. 6237, 6685. Sample Nos. 73294-E, 79339-E.)

On November 19, 1941, and January 12, 1942, the United States attorneys for the Western District of Missouri and the Northern District of Ohio filed libels against 129 cases each containing 6 No. 10 cans of tomato catsup at Kansas City, Mo., and 29 cases each containing 24 bottles of catsup at Cleveland, Ohio, alleging that the article had been shipped in interstate commerce on or about August 18 and September 10, 1941, by Morgan Packing Co. from Austin, Ind.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Maple Leaf Brand Tomato Catsup \* \* \* Packed For Ryley Wilson Grocer Co. Kansas City, Mo."; or "Scott Co. Tomato Catsup Contents 14 Oz. Avd. Packed by Morgan Packing Co., Austin, Ind."

On December 30, 1941, and February 25, 1942, no claimant having appeared, judgments were entered ordering that the product be destroyed.



**3128. Adulteration of tomato catsup. U. S. v. 23 Cases of Tomato Catsup. Default decree of condemnation and destruction.** (F. D. C. No. 6780. Sample No. 72539-E.)

On or about February 2, 1942, the United States attorney for the District of Nevada filed a libel against 23 cases, each containing 6 No. 10 cans, of tomato catsup at Las Vegas, Nev., alleging that the article had been shipped in interstate commerce on or about November 10, 1941, by S. E. Rykofi & Co. from Los Angeles, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Rosy Red Californina Fancy Tomato Catsup \* \* \* Packed \* \* \* By Harbor City Food Corp. Harbor City, California."

On March 3, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3129. Adulteration of tomato catsup. U. S. v. 500 Cases of Tomato Catsup. Default decree of condemnation and destruction.** (F. D. C. No. 6009. Sample No. 49051-E.)

On or about October 13, 1941, the United States attorney for the Northern District of Texas filed a libel against 500 cases of tomato catsup at Dallas, Tex., alleging that the article had been shipped in interstate commerce on or about September 15, 1941, by Stokely Bros. & Co., Inc., from Indianapolis, Ind.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Bottles) "Stokely's Finest Tomato Catsup."

On February 9, 1942, a default decree of condemnation and destruction was entered as to the tomato catsup with the provision that Stokely Bros. might reclaim all caps and bottles. Subsequently the claimant decided not to reclaim the caps and bottles and they were destroyed.

**3130. Adulteration of tomato products. U. S. v. 148 Cases of Tomato Catsup and 29 Cases of Tomato Puree. Default decrees of condemnation and destruction.** (F. D. C. Nos. 6160, 6658. Sample Nos. 49300-E, 79337-E.)

On November 4, 1941, and January 6, 1942, the United States attorneys for the Southern District of Alabama and the Northern District of Ohio filed libels against 148 cases each containing 24 bottles of tomato catsup at Mobile, Ala., and 29 cases each containing 48 cans of tomato puree at Cleveland, Ohio, alleging that the articles had been shipped in interstate commerce on or about September 11 and 20, 1941, by Stokely Bros. & Co., Inc., from Indianapolis, Ind.; and charging that they were adulterated in that they consisted in whole or in part of decomposed substances. The articles were labeled in part: "Stokely's Finest Tomato Catsup Net Weight 14 Ozs.," or "Stokely's Finest Concentrated Tomato Puree. Net Weight 10½ Oz."

On February 6 and March 25, 1942, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

**3131. Adulteration of tomato puree and tomato catsup. U. S. v. 147 Cases and 3,135 Cans of Tomato Puree, and 67 Cases of Tomato Catsup. Default decrees of destruction.** (F. D. C. Nos. 6225, 6390, 6391. Sample Nos. 29200-E, 62297-E, 71137-E.)

On November 18 and December 10 and 11, 1941, the United States attorney for the Northern and the Southern Districts of Illinois and the Southern District of Ohio filed libels against 147 cases each containing 6 cans of tomato puree at Chicago, and 3,135 5-gallon cans of tomato puree at Collinsville, Ill., and 67 cases each containing 24 bottles of tomato catsup at Columbus, Ohio, alleging that the articles had been shipped in interstate commerce within the period from on or about September 3 to on or about November 19, 1941, by G. S. Suppiger Co. from Mount Summit and Converse, Ind.; and charging that they were adulterated in that they consisted in whole or in part of decomposed substances. The tomato catsup was labeled in part: (Bottles) "Brooks \* \* \* Tabasco Flavor Catsup." The tomato puree was unlabeled.

On January 27, March 9, and June 27, 1942, no claimant having appeared, judgments were entered ordering that the products be destroyed.

**3132. Adulteration of tomato catsup and tomato sauce. U. S. v. 91 Cases of Tomato Catsup and 300 Cases of Tomato Sauce. Default decrees of condemnation and destruction.** (F. D. C. Nos. 6534, 6742. Sample Nos. 23234-E, 53678-E.)

On December 19, 1941, and January 22, 1942, the United States attorneys for the District of Oregon and the Southern District of Texas filed libels against 91 cases each containing 24 bottles of tomato catsup at Grants Pass, Orég., and



300 cases each containing 72 cans of tomato sauce at Houston, Tex., alleging that the articles had been shipped in interstate commerce on or about December 9 and 31, 1941, by Val Vita Food Products, Inc., from Oakland and Fullerton, Calif.; and charging that they were adulterated in that they consisted in whole or in part of decomposed substances. The articles were labeled in part: "Val Vita Brand Tomato Catsup \* \* \* 14 oz. [or "Spanish Style Tomato Sauce \* \* \* 7½ Oz.]."

On February 13 and March 10, 1942, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

**3133. Adulteration of tomato juice. U. S. v. 200 Cases, 50 Cases, 50 Cases, and 41 Cases of Tomato Juice. Default decrees of condemnation and destruction.** (F. D. C. Nos. 6552, 6919. Sample Nos. 75794-E, 75795-E, 75796-E, 90300-E, 90312-E.)

On December 22, 1941, and February 21, 1942, the United States attorney for the District of Massachusetts filed libels against a total of 300 cases of various-sized cans of tomato juice at Brockton, Mass., and 41 cases at Worcester, Mass., alleging that the article had been shipped in interstate commerce on or about October 22 and 29, 1941, by Holley Canning Co., Inc., from Holley, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Armour's Star Tomato Juice \* \* \* Armour and Company Distributors."

On March 2 and 23, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**3134. Adulteration of tomato juice. U. S. v. 40 Cases of Tomato Juice. Default decree of condemnation and destruction.** (F. D. C. No. 6581. Sample No. 90275-E.)

On December 26, 1941, the United States attorney for the District of Massachusetts filed a libel against 40 cases of tomato juice at Greenfield, Mass., alleging that the article had been shipped in interstate commerce on or about October 18, 1941, by Barker Canning Corporation from Barker, N. Y.; and charging it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Our Table Brand Tomato Juice."

On January 26, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3135. Adulteration of tomato puree. U. S. v. William S. Swett (Knox Pickle & Preserve Works). Plea of guilty. Fine, \$25.** (F. D. C. No. 5510. Sample Nos. 47136-E, 47144-E.)

On November 19, 1941, the United States attorney for the Northern District of Indiana filed an information against William S. Swett, trading as Knox Pickle & Preserve Works at Sidney, Ind., alleging shipment on or about December 5, 1940, and January 10, 1941, from the State of Indiana into the State of Illinois, of quantities of tomato puree that was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Blossom \* \* \* 'Tomato Puree Distributed By Sprague, Warner & Company Chicago, Ill."

On February 17, 1942, the defendant having entered a plea of guilty, the court imposed a fine of \$25.

**3136. Adulteration of tomato puree. U. S. v. 398 Cases of Tomato Puree. Default decree of destruction.** (F. D. C. No. 6229. Sample No. 58835-E.)

On November 15, 1941, the United States attorney for the District of Minnesota filed a libel against 398 cases, each containing 6 No. 10 cans, of tomato puree at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce on or about September 20, 1941, by Butterfield Canning Co. from Muncie, Ind.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Indiano Brand Puree of Tomatoes."

On January 15, 1942, no claimant having appeared, judgment was entered ordering that the product be destroyed.

**3137. Adulteration of tomato puree. U. S. v. 69 Cases of Tomato Puree. Default decree of condemnation and destruction.** (F. D. C. No. 6236. Sample No. 18019-E.)

On November 17, 1941, the United States attorney for the Southern District of Alabama filed a libel against 69 cases of tomato puree at Catherine, Ala.,



alleging that the article had been shipped in interstate commerce on or about September 18, 1941, by the Houghland Packing Co. from Franklin, Ind.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance.

On January 22, 1942, no claimant having appeared, a decree pro confesso and final decree of condemnation was entered and the product was ordered destroyed.

**3138. Adulteration of tomato puree. U. S. v. 199 Cases, 91 Cases, and 132 Cases of Tomato Puree. Default decrees of condemnation and destruction. (F. D. C. Nos. 6646, 7452. Sample Nos. 79603-E, 80079-E, 80080-E.)**

On January 2 and May 2, 1942, the United States attorneys for the Eastern District of Kentucky and the Southern District of Ohio filed libels against 199 cases of tomato puree at Covington, Ky. and 223 cases at Hamilton, Ohio, alleging that the article had been shipped in interstate commerce on or about November 18, 1941, and March 9, 1942, by the Ladoga Canning Co., from Lebanon, Ind.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: (Cans) "Sugar Loaf Tomato Puree"; or "Ladoga Brand Tomato Puree"; or "Freco Brand Tomato Puree."

On January 26 and June 11, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**3139. Adulteration of tomato puree. U. S. v. 398 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. D. C. No. 6727. Sample No. 89021-E.)**

On January 19, 1942, the United States attorney for the Eastern District of New York filed a libel against 398 cases of tomato puree at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about December 15, 1941, by F. H. Leggett & Co. from Quinton, N. J.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Empress Brand Tomato Puree."

On February 20, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3140. Adulteration of tomato puree. U. S. v. 106, 200, and 496 Cases of Tomato Puree. Consent decrees of condemnation. Portions of product ordered destroyed. Remainder ordered released under bond for segregation and destruction of unfit portion. (F. D. C. Nos. 6709, 6732, 6739. Sample Nos. 65934-E, 65943-E, 65944-E, 65948-E.)**

All lots of this product contained mold, and portions also contained worm and insect fragments.

On January 28, 1942, the United States attorney for the District of Colorado filed libels against 802 cases of tomato puree at Denver, Colo., which had been consigned by the Rocky Mountain Packing Corporation, alleging that the article had been shipped in interstate commerce within the period from on or about November 12 to on or about December 30, 1941, from Roy and Murray, Utah; and charging that it consisted in whole or in part of a filthy and decomposed substance. The article was labeled in part: (Cans) "Brimfull Brand Tomato Puree, \* \* \* Distributors H. A. Marr Grocery Co., Denver, Colo."; or "Glennwood Brand Tomato Puree \* \* \* Distributed by Rocky Mountain Packing Corporation."

On February 19, 1942, the Rocky Mountain Packing Corporation, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered destroyed. On March 12, 1942, the Rocky Mountain Packing Corporation having appeared and moved the amendment of the decree entered against 496 cases of the product, and having admitted the allegations of the libel, an amended decree was entered condemning the product and ordering that the 496 cases be released under bond for segregation and destruction of the unfit codes under the supervision of the Food and Drug Administration.

**3141. Adulteration of tomato puree. U. S. v. 416 Cases and 334 Cases of Tomato Puree. Default decrees of condemnation and destruction. (F. D. C. Nos. 6558, 6765. Sample Nos. 84708-E, 89036-E.)**

On December 23, 1941, and January 26, 1942, the United States attorney for the Southern District of New York filed libels against 750 cases, each containing 6 No. 10 cans, of tomato puree at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about October 24 and



November 5, 1941, and January 5, 1942, by Salem County Cannery, Inc., from Quinton, N. J.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Empress Brand Tomato Puree F. H. Leggett & Co. Distributors New York, N. Y."

On March 2, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**3142. Adulteration of tomato puree. U. S. v. 899 Cases of Tomato Puree. Consent decree of condemnation. Product ordered released under bond for segregation. (F. D. C. No. 6848. Sample No. 84879-E.)**

On or about February 11, 1942, the United States attorney for the District of Connecticut filed a libel against 899 cases, each containing 6 No. 10 cans, of tomato puree at Hartford, Conn., alleging that the article had been shipped in interstate commerce on or about September 17, 1941, by Vincennes Packing Corporation from Plainville, Ind.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On April 27, 1942, Vincennes Packing Corporation, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that the portion of the product found to comply with the requirements of the law be segregated under the supervision of the Food and Drug Administration, and that the remainder be destroyed.

**3143. Adulteration of tomato paste. U. S. v. Hartmann Canning Co., Inc. Plea of guilty. Fines, \$400; payment of \$300 suspended. (F. D. C. No. 5506. Sample Nos. 34720-E, 36484-E, 46392-E, 46397-E.)**

On December 1, 1941, the United States attorney for the Western District of New York filed an information against Hartmann Canning Co., Inc., a corporation at Macedon, N. Y., alleging shipment within the period from on or about September 26, 1940, to on or about January 25, 1941, from the State of New York into the States of Connecticut and Massachusetts, of quantities of tomato paste that was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Scarlatti Tomato Paste With Sweet Basil."

On February 23, 1942, the defendant having entered a plea of guilty, the court imposed a fine of \$100 on each count, totaling \$400. Payment of the fines on counts II, III, and IV was suspended.

**3144. Adulteration of tomato paste. U. S. v. 2,000 Cases and 2,000 Cases of Tomato Paste. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of unfit portion. (F. D. C. No. 6514. Sample No. 23229-E.)**

On December 13 and 30, 1941, the United States attorney for the Eastern District of Pennsylvania filed libels against 4,000 cases, each containing 6 cans, of tomato paste at Philadelphia, Pa., alleging that the article had been shipped on or about November 17, 1941, by Hershel California Fruit Products Co., Inc., from San Jose, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Contadina Tomato Paste Contents 7 Lbs."

On March 17, 1942, Hershel California Fruit Products Co., Inc., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond for segregation and destruction of the unfit portion under the supervision of the Food and Drug Administration.

**3145. Adulteration of tomato paste. U. S. v. 60 Cases of Tomato Paste. Default decree of condemnation and destruction. (F. D. C. No. 6633. Sample No. 22777.)**

On December 31, 1941, the United States attorney for the Eastern District of Pennsylvania filed a libel against 60 cases of tomato paste at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about December 15, 1941, by the Manteca Canning Co. from Manteca, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Can) "Tux Brand Tomato Paste."

On April 1, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.



**3146. Adulteration of tomato paste. U. S. v. 34 Cases of Tomato Paste. Default decree of condemnation and destruction.** (F. D. C. No. 3910. Sample No. 33020-E.)

On March 3, 1941, the United States attorney for the Eastern District of New York filed a libel against 34 cases of tomato paste at Brooklyn, N. Y., alleging that the article had been shipped on or about April 28, 1940, by Soc. Au. Rinaldi from Naples, Italy; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. It was labeled in part: "Natural Tomato Paste With Basil Leaf—G. Rinaldi Tomato Star Brand."

On May 21, 1942, Rinaldi Bros. & Co., claimant, having failed to answer the allegations of the libel, judgment of condemnation was entered and the product was ordered destroyed.

**3147. Adulteration of tomato paste. U. S. v. 41 Cases of Tomato Paste (and 2 other seizure actions against tomato paste). Default decrees of condemnation and destruction.** (F. D. C. Nos. 6631, 6775, 6890. Sample Nos. 53663-E, 74475-E, 74476-E, 84087-E.)

On December 31, 1941, and January 29 and February 19, 1942, the United States attorney for the Eastern District of New York filed libels against 90 cases and 133 cartons of tomato paste at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce within the period from on or about October 23, 1941, to on or about January 5, 1942, by Uddo Taormina Corporation from Wilmington and Buena Park, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Flag Brand Tomato Paste"; "Pinocchio Brand Italian Style Tomato Paste with sweet basil Distributed By A. M. S. Packing Company, Brooklyn, N. Y."; or "Progresso Brand \* \* \* Packed For La Sierra Heights Canning Co., Inc. Buena Park, California Tomato Paste with Basil."

On February 6 and March 20 and 24, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**3148. Adulteration of tomato sauce. U. S. v. 199 Cases of Tomato Sauce. Default decree of condemnation and destruction.** (F. D. C. No. 6257. Sample No. 23527-E.)

On November 19, 1941, the United States attorney for the Southern District of Texas filed a libel against 199 cases of tomato sauce at Houston, Tex., alleging that the article had been shipped in interstate commerce on or about November 6, 1941, by the Independent Grocers Alliance Distributors, Inc., from San Francisco, Calif.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: (Cans) "Val Vita Brand Spanish Style Tomato Sauce \* \* \* Packed By Val Vita Food Products, Inc. Fullerton California."

On March 10, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

#### OTHER FRUIT AND VEGETABLE PRODUCTS

**3149. Adulteration and misbranding of jams, jellies, and preserves. U. S. v. 75 Cases of Jelly (and 6 other seizure actions against jams, jellies, and preserves). Default decrees of condemnation. Portion of products ordered delivered to charitable institutions; remainder ordered destroyed.** (F. D. C. Nos. 4091, 4553, 6232, 6233, 6376, 6757, 6836, 6893. Sample Nos. 29761-E, 43175-E, 46962-E, 46963-E, 51895-E, 87362-E, 87364-E, 89301-E, 89305-E.)

Examination showed that these products failed to meet the requirements for jams, jellies, and preserves set forth in the definition and standard of identity for jams, jellies, and preserves prescribed by regulations as provided by the Food, Drug, and Cosmetic Act.

Between March 29, 1941, and February 21, 1942, the United States attorneys for the Western District of Oklahoma, Eastern District of Kentucky, Southern and Eastern Districts of New York, District of Massachusetts, and the Eastern District of Virginia filed libels against the following products: 75 cases each containing 6 cans of jelly at Oklahoma City, Okla.; 200 cases each containing 6 cans of jam at Fort Thomas, Ky.; 7 cases each containing 24 jars of jelly and 5 cases each containing 24 jars and 4 cases each containing 12 jars of preserves at New York, N. Y., and 10 cases each containing 6 jars of preserves and 23 30-pound pails of jam at Brooklyn, N. Y.; 27 cases each containing 12 jars of preserves at Boston, Mass.; and 35 cases each containing 24 jars of preserves at Norfolk, Va., alleging that the articles had been shipped in interstate commerce



within the period from on or about January 14, 1941, to on or about January 22, 1942, by Fresh Grown Preserve Corporation from Lyndhurst and Kingsland, N. J.; and charging that they were adulterated and misbranded. They were labeled in part: "Nature's Own Pure Crab Apple [or "Raspberry," "Currant," "Grape," "Blackberry," or "Quince"] \* \* \* Net Weight 8 Lbs."; "Nature's Own Pure Jam, Net Weight 8 Lbs."; "Magnetic Brand Pure Grape Jelly Net Wgt 1 Pound Distributed by Magnetic Products New York, N. Y."; "Top Notch Brand Pure Raspberry [or "Blackberry"] Preserve Contents 2 Lbs. [or "6 Ozs"] Sun Distributing Co. Inc. Distributors Bklyn, N. Y."; "Son-Ripe Brand Top-Notch Pure Strawberry Preserves Net Weight 4 Lb."; "Kent Food Bklyn 30 Lbs Net Pure Rasp. Jam"; or "Sonripe Brand Top Notch Pure Raspberry Preserve Contents 6 Ozs. Sun Distributing Co. Inc. Distributors Lyndhurst, N. J."

The articles were alleged to be adulterated: (75 cases of jelly) in that imitation crab-apple, raspberry, currant, grape, blackberry, and quince jelly deficient in fruit juice had been substituted wholly or in part for crab-apple, raspberry, currant, grape, blackberry, and quince jelly as defined in the definition and standard of identity for such foods; (7 cases of jelly) in that an imitation grape jelly deficient in fruit juice and artificially colored had been substituted wholly or in part for grape jelly as defined in the definition and standard of identity for such food; (preserves) in that imitation raspberry, strawberry, and blackberry preserves deficient in fruit had been substituted wholly or in part for raspberry, strawberry, and blackberry preserves as defined in the definition and standard of identity for such foods; (200 cases of jam) in that imitation blackberry, grape, peach, loganberry, apricot, or raspberry jam, deficient in fruit, had been substituted wholly or in part for blackberry, grape, peach, loganberry, apricot, or raspberry jam as defined in the definition and standard of identity for such foods; and (23 pails of jam) in that imitation raspberry jam had been substituted wholly or in part for raspberry jam as defined in the definition and standard of identity for such food.

All lots of the articles were alleged to be misbranded (1) in that they were imitations of other foods and their labels failed to bear in type of uniform size and prominence the word "imitation" and immediately thereafter the names of the foods imitated; and (2) in that they purported to be foods for which definitions and standards of identity had been prescribed by regulations as provided by law, and they failed to conform to such definitions and standards.

They were alleged to be misbranded further: (75 cases of jelly) in that the names "Pure Raspberry [or "Crab Apple," "Currant," "Grape," "Blackberry," or "Quince"] Jelly" were false and misleading as applied to articles deficient in fruit juice; (7 cases of jelly) in that the name "Pure Grape Jelly" was false and misleading as applied to an article that was deficient in fruit juice and was artificially colored, and in that it contained artificial coloring and failed to bear labeling stating that fact; (preserves, all lots) in that the names "Pure Raspberry [or "Strawberry" or "Blackberry"] Preserves" were false and misleading as applied to articles that were deficient in fruit; (5 cases only) in that the statement of contents "16 Oz." was not expressed in terms of the largest unit contained in the package; and (jams) in that the names "Pure Blackberry [or "Grape," "Peach," "Loganberry," "Apricot," or "Raspberry"] Jam" were false and misleading as applied to articles of food deficient in fruit.

Between May 28, 1941, and May 28, 1942, no claimant having appeared, judgments of condemnation were entered and the products at Oklahoma City, Fort Thomas, and New York were ordered delivered to charitable institutions; and the remainder was ordered destroyed.

**3150. Adulteration and misbranding of jams. U. S. v. 80 Cases and 50 Cases of Assorted Jams. Consent decree of condemnation. Products ordered released under bond for relabeling.** (F. D. C. Nos. 6827, 6946. Sample Nos. 85754-E, 85756-E to 85760-E, incl., 85785-E to 85787-E, incl., 85795-E.)

Analysis showed that these products were insufficiently cooked, since the soluble-solids content of the finished jams was less than 68 percent.

On February 13, 1942, the United States attorney for the Western District of Washington filed a libel against 130 cases of fruit jams at Seattle, Wash., alleging that the article had been shipped in interstate commerce within the period from on or about December 1, 1941, to February 7, 1942, by Oswego Jelly Co. from Portland, Oreg.; and charging that they were adulterated and misbranded. They were labeled in part: "Standby Boysenberry [or "Blackberry," "Raspberry," "Strawberry," or "Blackcap Seedless"] Jam \* \* \* Packed for Fine Foods, Inc., Seattle-Minneapolis."



The articles were alleged to be adulterated in that imitation boysenberry, blackberry, raspberry, strawberry, and Blackcap (black raspberry) jams had been substituted in whole or in part therefor.

They were alleged to be misbranded (1) in that the names "Boysenberry Jam," "Blackberry Jam," "Raspberry Jam," "Strawberry Jam," and "Blackcap Seedless Jam" were false and misleading as applied to articles which purported to be and were represented to be jams, foods for which definitions and standards of identity had been promulgated by regulations as provided by law and which failed to conform to such definitions and standards of identity; (2) in that they were imitations of other foods, and their labels failed to bear, in type of uniform size and prominence, the word "imitation" and immediately thereafter, the name of the food imitated; and (3) in that they purported to be and were represented as jams, foods for which definitions and standards of identity had been prescribed by regulations as provided by law, but they failed to conform to such definitions and standards since the soluble-solids content of such articles was materially less than 68 percent.

On March 19, 1942, Oswego Jelly Co., claimant, having consented to the entry of a decree and the cases having been consolidated, judgment of condemnation was entered and the products were ordered released under bond conditioned that they be relabeled as imitation jams, under the supervision of the Food and Drug Administration.

**3151. Adulteration of egg plant appetizer. U. S. v. 997 Cases of Egg Plant Appetizer. Default decree of condemnation and destruction.** (F. D. C. No. 5596. Sample No. 69600-E.)

Examination showed that this product contained rodent hairs, insect fragments and larvae, and mites.

On August 30, 1941, the United States attorney for the Eastern District of New York filed a libel (amended September 3, 1941) against 997 cases, each containing 100 cans, of egg plant appetizer at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about July 29, 1941, by Uddo-Taormina Corporation from New Orleans, La.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: (Cans) "Progresso Caponata Net Contents 5 Ozs. Avoir. \* \* \* Egg Plant Appetizer."

On October 28, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3152. Adulteration of pepper sauce. U. S. v. 1,008 Bottles and 1,404 Bottles of Pepper Sauce. Default decree of condemnation and destruction.** (F. D. C. No. 6599. Sample Nos. 11309-E, 11310-E.)

This product contained insect fragments and miscellaneous filth.

On December 24, 1941, the United States attorney for the Southern District of Texas filed a libel against 2,412 bottles of pepper sauce at Houston, Tex., alleging that the article had been shipped in interstate commerce on or about November 5, 1941, from St. Martinville, La., by Evangeline Pepper & Food Products (Ed Bulliard); and charging that it was adulterated. The article was labeled in part variously: (Bottle) "Bulliard's Evangeline Brand \* \* \* Pure Louisiana Red Hot."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance in that the article contained insect fragments and miscellaneous filth; and in that it had been prepared, packed or held under insanitary conditions whereby it might have become contaminated with filth.

On February 5, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3153. Adulteration of pepper sauce. U. S. v. 78 Cases of Pepper Sauce (and 2 other seizure actions against pepper sauce). Decrees of condemnation and destruction.** (F. D. C. Nos. 6812, 6814. Sample Nos. 68161-E to 68164-E, incl., 72090-E.)

Examination showed that this product was contaminated with filth, such as insect fragments, rodent hairs, and nondescript dirt.

On February 3 and 6, 1942, the United States attorneys for the Northern District of Texas and the Southern District of California filed libels against 395 cases of pepper sauce at Dallas, Tex., and 78 cases of pepper sauce at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce within the period from on or about October 5, 1941, to on or about January



7, 1942, by B. F. Trappey's Sons, Inc., from New Iberia, La.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Good'n'Hot Mexi-Pep Shield Label"; or "Red Devil \* \* \* Louisiana Hot Sauce."

On February 25, 1942, no claimant having appeared for the product seized at Los Angeles, judgment of condemnation was entered and the product was ordered destroyed. On March 13, 1942, B. F. Trappey's Sons, Inc., claimant for the lots seized at Dallas, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered destroyed; the claimant was allowed to retain the empty cartons.

**8154. Adulteration of dill pickle slices. U. S. v. 180 Gallons of Dill Pickle Slices. Default decree of condemnation and destruction. (F. D. C. No. 6616. Sample No. 79563-E.)**

This product contained insect fragments, sand, and dirt.

On December 29, 1941, the United States attorney for the Southern District of Ohio filed a libel against 180 gallons of dill pickle slices at Dayton, Ohio, which had been consigned on or about November 27, 1941, alleging that the article had been shipped in interstate commerce on or about November 27, 1941 by the M. & R. Trading Co. from Detroit, Mich.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: (Barrel head) "Aunt Jane's Genuine Hamburger Dill Slices."

On February 14, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**8155. Adulteration of pickles. U. S. v. 4 Barrels of Pickles. Default decree of condemnation and destruction. (F. D. C. No. 5955. Sample No. 49699-E.)**

Examination showed that this product contained rodent hairs, insect fragments, and nondescript dirt.

On October 2, 1941, the United States attorney for the Eastern District of Louisiana filed a libel against 4 barrels, each containing 45 gallons, of pickles at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about August 26, 1941, by Standard Brands, Inc., from Wiggins, Miss.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On November 15, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**8156. Adulteration of sweet relish. U. S. v. 5 Barrels and 3½ Barrels of Sweet Relish. Default decrees of condemnation and destruction. (F. D. C. Nos. 6891, 6894. Sample Nos. 80245-E, 86343-E.)**

Examination showed that this product contained insect fragments, hairs resembling rodent hairs, and sand.

On February 20 and 24, 1942, the United States attorneys for the Northern District of Indiana and the Northern District of Ohio filed libels against 5 barrels of sweet relish at East Chicago, Ind., and 3½ barrels of sweet relish at Toledo, Ohio, alleging that the article had been shipped in interstate commerce on or about December 12 and 30, 1941, and January 17, 1942, by Lawton Produce Co., from Lawton, Mich.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On March 25 and May 15, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**8157. Adulteration of sweet relish. U. S. v. 8¾ Cases and 16 Cases of Sweet Relish. Default decree of condemnation and destruction. (F. D. C. No. 6652. Sample Nos. 79357-E, 79358-E.)**

Examination showed that this product contained insect fragments and nondescript dirt.

On January 5, 1942, the United States attorney for the Northern District of Ohio filed a libel against 24¾ cases each containing 24 jars of relish at Cleveland, Ohio, alleging that the article had been shipped in interstate com-



merce on or about July 17 and November 28, 1941, by M. & R. Trading Co. from Detroit, Mich.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Jars in 8¾ cases) "Table Hints Sweet Relish Contents 12 Fl. Oz."; (jars in 16 cases) "Larry Boy Brand Sweet Relish Contents 5½ Fl. Oz."

On February 4, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3158. Adulteration of sweet relish. U. S. v. 76 Cases, 10 Cases, 13½ Cases, and 21½ Cases of Sweet Relish. Default decrees of condemnation and destruction.** (F. D. C. Nos. 6287, 6622, 6623. Sample Nos. 59475-E, 87305-E, 87310-E, 87311-E.)

Examination showed that this product contained insect fragments and rodent hairs.

On November 25 and December 27 and 31, 1941, the United States attorney for the Eastern District of Virginia filed libels against 10 cases each containing 12 quart jars of sweet relish at Richmond, and 76 cases each containing 24 9-fluid-ounce jars, 13½ cases each full case containing 12 quart jars, and 21½ cases each full case containing 4 gallon jars of sweet relish at Norfolk, Va., alleging that the article had been shipped in interstate commerce within the period from on or about July 24 to on or about November 26, 1941, by the Orringer Pickle Co. from New Bern, N. C.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Carolina Maid Brand Sweet Relish."

On December 13, 1941, and February 4 and April 1, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

#### DRIED FRUITS

**3159. Adulteration of evaporated apples. U. S. v. 90 Cartons of Evaporated Apples. Default decree of condemnation and destruction.** (F. D. C. No. 6956. Sample No. 70737-E.)

This product was contaminated with rodent hairs.

On February 28, 1942, the United States attorney for the Western District of North Carolina filed a libel against 90 25-pound cartons of evaporated apples at Charlotte, N. C., alleging that the article had been shipped in interstate commerce on or about November 27, 1941, by M. O. Engleson & Co. from Williamson, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On May 29, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3160. Adulteration of dried apples. U. S. v. 25 Bags and 36 Bags of Dried Apples. Default decrees of condemnation and destruction.** (F. D. C. Nos. 6271, 6272. Sample Nos. 48962-E, 48963-E.)

This product contained rodent excreta and insect fragments.

On November 25, 1941 the United States attorney for the Western District of South Carolina filed libels against 25 bags of dried apples at Anderson, and 36 bags at Belton, S. C., alleging that the article had been shipped in interstate commerce within the period from on or about October 15 to on or about November 1, 1941, by S. V. Tomlinson from North Wilkesboro, N. C.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On April 10, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**3161. Misbranding of dates. U. S. v. Hills Bros. Co. Plea of guilty. Fine, \$50.** (F. D. C. No. 5560. Sample No. 28234-E.)

This product was packed in open-topped cellophane-wrapped rectangular cardboard boxes. The top layer contained 16 dates and the lower contained from 9 to 12, the average of the samples examined being 11.6.

On January 30, 1942, the United States attorney for the Eastern District of New York filed an information against Hills Bros. Co., a corporation at Brooklyn, N. Y., alleging shipment within the period from on or about December 5 to on or about December 12, 1940, from the State of New York into the District of



Columbia of a quantity of dates that were misbranded. The article was labeled in part: "Camel Dates."

The article was alleged to be misbranded in that its container was so made and filled as to be misleading in that said container held two layers of dates and was made with a cellophane top so that the top layer was visible and said container was so filled that there were fewer dates in the lower layer than were contained in and were visible in the upper layer.

On February 16, 1942, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$50.

**3162. Adulteration of dried peaches. U. S. v. 41 Boxes and 133 Boxes of Dried Peaches. Default decrees of condemnation and destruction. (F. D. C. Nos. 6347, 6360. Sample Nos. 48544-E, 48545-E.)**

Examination showed that this product was insect-infested and that a portion was also decomposed.

On December 4 and December 29, 1941, the United States attorney for the Northern District of Georgia filed libels against 174 boxes of dried peaches at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about February 24, 1941, by Guggenhime & Co. from Fresno, Calif.; and charging that it was adulterated in that one lot consisted in whole or in part of a filthy substance, and in that the remaining lot consisted in whole or in part of a filthy and decomposed substance. The article was labeled in part: "Waldorf Brand Choice Recleaned Dried California Peaches."

On January 5, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

Nos. 3163 to 3165 report the seizure and disposition of prunes and raisins that were insect-infested.

**3163. Adulteration of prunes. U. S. v. 92 Boxes of Prunes. Default decree of condemnation and destruction. (F. D. C. No. 6638. Sample No. 11313-E.)**

On January 5, 1942, the United States attorney for the Southern District of Texas filed a libel against 92 25-pound boxes of prunes at Houston, Tex., alleging that the article had been shipped in interstate commerce on or about September 11, 1941, by the Vagin Packing Co. from Fresno, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy and decomposed substance. The article was labeled in part: "Westcoast Brand California Prunes."

On February 10, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3164. Adulteration of raisins. U. S. v. 31 Cases, 36 Cases, and 7 Cases of Raisins. Default decree of condemnation and destruction. (F. D. C. No. 6098. Sample Nos. 72059-E to 72061-E, incl.)**

On October 30, 1941, the United States attorney for the District of Arizona filed a libel against 31 cases each containing 8 4-pound bags, 36 cases each containing 16 2-pound bags, and 7 cases each containing 48 15-ounce packages of raisins at Phoenix, Ariz., alleging that the article had been shipped in interstate commerce on or about August 12, 1941, by Guggenhime & Co. from Fresno, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Mission Brand Thompson Seedless Raisins," or "Pansy They R Seedless Brand Fancy Quality Raisins."

On or about April 1, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3165. Adulteration of raisins. U. S. v. 20 Cases of Raisins. Default decree of condemnation and destruction. (F. D. C. No. 6110. Sample No. 81006-E.)**

This product was insect-infested.

On November 1, 1941, the United States attorney for the District of Idaho filed a libel against 20 cases of raisins at Pocatello, Idaho, alleging that the article had been shipped in interstate commerce on or about August 6, 1941, by Haas Bros. from San Francisco, Calif.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: (Cartons) "Empire Brand Fancy Thompson Seedless Raisins Packed by Empire Packing Company \* \* \* Kerman, California."

On February 18, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.



## MEAT PRODUCTS

## POULTRY

Nos. 3166 to 3177 report actions based on interstate shipments of poultry that was in whole or in part the product of diseased animals and/or was in whole or in part decomposed.

**3166. Adulteration of poultry. U. S. v. Louis Claude Henderson (Henderson Produce Co.). Plea of guilty. Fine, \$200.** (F. D. C. No. 5514. Sample Nos. 34466-E, 34467-E.)

This product was in whole or in part the product of diseased animals.

On December 5, 1941, the United States attorney for the Eastern District of Missouri filed an information against Louis Claude Henderson, trading as Henderson Produce Co. at Monroe City, Mo., alleging shipment on or about October 4 and 18, 1940, from the State of Missouri into the State of New York, of quantities of poultry that was adulterated in that it was in whole or in part the product of diseased animals. The article was labeled in part: "Plain Fowl."

On March 27, 1942, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$100 on each of the two counts.

**3167. Adulteration of poultry. U. S. v. Hiram K. Joslyn (Rochester Egg & Poultry Co.). Plea of guilty. Fine, \$50.** (F. D. C. No. 5504. Sample No. 34473-E.)

On January 27, 1942, the United States attorney for the District of Minnesota filed an information against Hiram K. Joslyn, manager of the Rochester Egg & Poultry Co., Rochester, Minn., alleging shipment on or about October 31, 1940, from the State of Minnesota into the State of New York of a quantity of poultry that was adulterated in that it was in whole or in part the product of diseased animals.

On January 27, 1942, the defendant having entered a plea of guilty, the court imposed a fine of \$50.

**3168. Adulteration of poultry. U. S. v. Swift & Co. Plea of guilty. Fine, \$25 and costs.** (F. D. C. No. 5525. Sample Nos. 46785-E, 46788-E.)

On March 24, 1942, the United States attorney for the Northern District of Iowa filed an information against Swift & Co., a corporation, at Spencer, Iowa, alleging shipment on or about October 1 and 22, 1940, from the State of Iowa into the State of New Jersey, of quantities of poultry that was adulterated in that it was in whole or in part the product of diseased animals.

On March 24, 1942, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$25 and costs.

**3169. Adulteration of poultry. U. S. v. Jacob Udell (Eagle Poultry Co.). Plea of guilty. Fine, \$100.** (F. D. C. No. 5538. Sample Nos. 40909-E, 69335-E.)

On February 19, 1942, the United States attorney for the District of Delaware filed an information against Jacob Udell, trading as Eagle Poultry Co. at Frankford, Del., alleging shipment on or about May 11 and 31, 1941, from the State of Delaware into the States of Pennsylvania and New Jersey, of quantities of poultry that was adulterated in that it consisted in whole or in part of a decomposed substance; and in that it was in whole or in part the product of diseased animals.

On March 24, 1942, defendant having entered a plea of guilty, the court imposed a fine of \$100.

**3170. Adulteration of poultry. U. S. v. Wilson & Co., Inc. Plea of guilty. Fine, \$200.** (F. D. C. No. 5487. Sample Nos. 56201-E to 56206-E, incl.)

On December 1, 1941, the United States attorney for the Northern District of Iowa filed an information against Wilson & Co., Inc., a corporation at Cedar Rapids, Iowa, alleging shipment on or about December 26, 1940, from the State of Iowa into the State of New York of a quantity of poultry that was adulterated in that it was in whole or in part the product of diseased animals. The article was labeled in part: "Choice Brand Poultry."

On December 1, 1941, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$200 and costs.

**3171. Adulteration of poultry. U. S. v. Wilson & Co. Plea of nolo contendere. Fine, \$50 and costs.** (F. D. C. No. 5524. Sample Nos. 56210-E to 56214-E, incl.)

On December 4, 1941, the United States attorney for the District of Kansas filed an information against Wilson & Co., a corporation, at Atchison, Kans.,



alleging shipment on or about November 27, 1940, from the State of Kansas into the State of New York, of quantities of poultry that was adulterated in that it was in whole or in part the product of diseased animals. It was labeled in part: "Choice Brand Poultry Frying [or "Roasting"] Chickens."

On April 13, 1942, a plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$50 and costs.

**8172. Adulteration of poultry. U. S. v. Wilson & Co., Inc. Plea of guilty. Fine, \$150.** (F. D. C. No. 5488. Sample Nos. 56207-E to 56209-E, incl.)

On October 24, 1941, the United States attorney for the District of Minnesota filed an information against Wilson & Co., Inc., a corporation at Faribault, Minn., alleging shipment on or about November 25, 1940, from the State of Minnesota into the State of New York of a quantity of poultry that was adulterated in that it was in whole or in part the product of diseased animals. The article was labeled in part: "Choice Brand Poultry."

On October 24, 1941, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$150.

**8173. Adulteration of poultry. U. S. v. 16 Barrels of Poultry. Default decree of condemnation and destruction.** (F. D. C. No. 6965. Sample No. 69344-E.)

On March 2, 1942, the United States attorney for the Southern District of New York filed a libel against 16 barrels of poultry at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about February 23, 1942, by the Agar Poultry Corporation from Berlin, Md.; and charging that it was adulterated in that it was in whole or in part the product of diseased animals. A portion of the article was labeled in part: (2 barrels) "Fancy Milk-Fed Poultry Del-Mar-Va Farms Brand." The remainder was unlabeled.

On March 30, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. On April 3, 1942, the decree was amended to permit delivery of a portion of the product to the Food and Drug Administration for technical use.

**8174. Adulteration of dressed chickens. U. S. v. 3 Boxes and 1 Box of Dressed Chickens. Consent decree of condemnation and destruction.** (F. D. C. No. 6670. Sample No. 62445-E.)

On December 12, 1941, the United States attorney for the Northern District of Illinois filed a libel against 3 boxes each containing 9 birds, and 1 box containing 12 birds at Chicago, Ill., alleging that the article had been shipped on November 6, 1941, by Cudahy Packing Co. from South Omaha, Nebr.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On December 30, 1941, the claimant having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

**8175. Adulteration of poultry. U. S. v. 7 Barrels of Poultry. Default decree of condemnation and destruction.** (F. D. C. No. 6203. Sample No. 41000-E.)

On November 12, 1941, the United States attorney for the Eastern District of Pennsylvania filed a libel against 7 barrels of poultry at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce, on or about October 23, 1941, by Farmers Cooperative Creamery from Pelican Rapids, Minn.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance, and in that it was the product of diseased animals.

On January 5, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**8176. Adulteration of poultry. U. S. v. 13 Boxes, 8 Barrels, and 1 Barrel of Poultry. Default decree of condemnation and destruction.** (F. D. C. Nos. 6594 to 6596, incl. Sample Nos. 71581-E to 71583-E, incl.)

On December 24, 1941, the United States attorney for the Southern District of Iowa filed a libel against 13 boxes and 9 barrels of poultry at Perry, Iowa, alleging that the article had been shipped in interstate commerce within the period from on or about November 5 to on or about December 11, 1941, by Parsons Produce Co. from Woonsocket, S. Dak., Stuehnagel Produce & Storage Co., Inc., from Yankton, S. Dak., and Wenk Bros. from Madison, S. Dak.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance, and in that it was in whole or in part the product of diseased animals.

On January 21, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.



**3177. Adulteration of dressed chickens. U. S. v. 5 Boxes and 3 Boxes of Dressed Chickens. Consent decree of condemnation and destruction.** (F. D. C. No. 6610. Sample No. 62442-E.)

On December 6, 1941, the United States attorney for the Northern District of Illinois filed a libel against 8 boxes of dressed chickens at Chicago, Ill., alleging that the article had been shipped in interstate commerce on December 1, 1941, by Vilas & Co., from Storm Lake, Iowa; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Boxes) "Pine Brand Fryers [or "Roasters"]."

On January 20, 1942, the consignee having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

#### MISCELLANEOUS

**3178. Adulteration of rabbits. U. S. v. 240 Rabbits. Default decree of condemnation and destruction.** (F. D. C. No. 6778. Sample No. 75883-E.)

Examination showed that this product was decomposed.

On January 29, 1942, the United States attorney for the District of Massachusetts filed a libel against 240 rabbits in various wooden containers at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about November 14, 1940, by Hallren Poultry & Creamery Co. from Enid, Okla.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On March 2, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3179. Adulteration of horse and cattle meat. U. S. v. Benjamin Braverman. Plea of guilty. Fine, \$250. Jail sentence, 30 days.** (F. D. C. No. 2123. Sample No. 86341-D.)

Examination showed that this product consisted of flesh and organs of diseased animals.

On April 15, 1942, the grand jurors of the United States for the Southern District of New York returned an indictment against Benjamin Braverman (of Newark, N. J.), alleging shipment on or about January 17, 1940, from Briggs Station, N. Y., into the State of New Jersey of a quantity of the above-named product which was alleged to be adulterated in that it was in whole or in part the flesh and organs of diseased animals or of animals which had died other than by slaughter.<sup>1</sup>

On May 15, 1942, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$250 and a sentence of 30 days in jail.

**3180. Adulteration of horse and cattle meat. U. S. v. Charles H. Lang. Plea of guilty. Fine, \$250. Jail sentence, 30 days.** (F. D. C. No. 2122. Sample No. 86341-D.)

Examination showed that this product consisted of flesh and organs of diseased animals.

On April 15, 1942, the grand jurors of the United States for the Southern District of New York returned an indictment against Charles H. Lang at Briggs Station, N. Y., alleging delivery to Benjamin Braverman, on or about January 17, 1940, for introduction into interstate commerce from the State of New York into the State of New Jersey of a quantity of the above-named product which was alleged to be adulterated in that it was in whole or in part the flesh and organs of diseased animals or of animals which had died other than by slaughter.

On May 15, 1942, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$250 and a sentence of 30 days in jail. On May 29, 1942 the jail sentence was reduced to the time already served.

#### NUTS AND NUT PRODUCTS

**3181. Adulteration of sliced Brazil nuts. U. S. v. 5½ Cartons of Sliced Brazil Nuts. Default decree of condemnation and destruction.** (F. D. C. No. 6730. Sample No. 48670-E.)

Examination showed the presence of decomposed nuts.

On January 16, 1942, the United States attorney for the Middle District of Georgia filed a libel against 5½ cartons of sliced Brazil nuts at Macon, Ga.,

<sup>1</sup>The first count of the indictment charged violation of the Horse Meat Act of which defendant was also found guilty and to which conviction the fine and sentence were also applicable.



alleging that the article had been shipped in interstate commerce on or about December 16, 1941, by T. M. Duche & Sons from New York, N. Y.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance.

On February 10, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3182. Adulteration of Brazil nuts. U. S. v. 9 Bags of Brazil Nuts. Default decree of condemnation. Product ordered delivered to a charitable institution.** (F. D. C. No. 6158. Sample No. 70026-E.)

Examination of this product showed the presence of moldy and rancid nuts.

On or about November 10, 1941, the United States attorney for the Southern District of Florida filed a libel against 9 bags of Brazil nuts at Jacksonville, Fla., alleging that the article had been shipped in interstate commerce on or about September 17, 1941, by T. M. Duche & Sons from New York, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "World Brand New Crop Large Medium Brazils."

On January 7, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution since they were for the most part fit for human consumption. The unfit nuts were segregated and destroyed.

**3183. Adulteration of Brazil nuts. U. S. v. 133 Bags of Brazil Nuts. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of unfit portion.** (F. D. C. No. 6508. Sample No. 74595-E.)

Examination of this product showed the presence of moldy, rancid, and decomposed nuts.

On December 15, 1941, the United States attorney for the Southern District of New York filed a libel against 133 bags, each containing approximately 100 pounds, of Brazil nuts at New York, N. Y., alleging that the article had been shipped on or about June 1, 1941, by Higson & Co. from Para, Brazil; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Tropical Brand \* \* \* Brazils."

On January 24, 1942, Wm. A. Camp Co., Inc., New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that those nuts unfit for human consumption be segregated and destroyed under the supervision of the Food and Drug Administration.

**3184. Adulteration of mixed nuts. U. S. v. 89 Cartons of Mixed Nuts. Consent decree of condemnation. Product released under bond for reconditioning.** (F. D. C. No. 6361. Sample No. 74836-E.)

Examination of this product showed the presence of moldy, rancid, and decomposed Brazil nuts.

On or about December 9, 1941, the United States attorney for the District of New Jersey filed a libel against 89 cartons of mixed nuts at Bayonne, N. J., alleging that the article had been shipped in interstate commerce on or about November 5 and 21, 1941, by J. Stanley & Co. from New York, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Poppy Brand Choice Mixed Nuts."

On March 25, 1942, Biddle Purchasing Co., New York, N. Y., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for segregation and destruction of the Brazil nuts and any others that might be unfit for food.

**3185. Adulteration of pecan pieces. U. S. v. 20 Cartons of Pecan Pieces. Default decree of condemnation and destruction.** (F. D. C. No. 6930. Sample No. 84250-E.)

This product was contaminated with *Escherichia coli*.

On February 25, 1942, the United States attorney for the Southern District of New York filed a libel against 20 60-pound cartons of pecan pieces at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about January 31, 1942, by Dasher Pecan Co. from Valdosta, Ga.; and charging that it was adulterated in that it consisted in whole or in part of a



filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On March 19, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3186. Adulteration of pecan meats. U. S. v. 35 Pounds of Pecan Meats. Default decree of condemnation and destruction.** (F. D. C. No. 6925. Sample No. 70322-E.)

Examination showed that this product contained hair fragments resembling rodent hairs.

On February 23, 1942, the United States attorney for the Southern District of Florida filed a libel against 35 pounds of pecan meats at Lakeland, Fla., alleging that the article had been shipped in interstate commerce on or about February 9, 1942, by B. Lloyd from Barnesville, Ga.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On March 18, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3187. Adulteration of pecans. U. S. v. 1,700 Pounds of Pecans. Default decree of condemnation and destruction.** (F. D. C. No. 6639. Sample No. 16900-E.)

This product was wormy and insect-infested and contained shriveled, moldy, rancid, and decomposed nuts.

On or about January 13, 1942, the United States attorney for the Western District of Missouri filed a libel against 1,700 pounds of pecans at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about December 18, 1941, by the May Food Stores from Greenville, Miss.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On February 17, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3188. Adulteration of walnuts. U. S. v. 127 Cartons, 3 Bags, and 3 Bags of Walnuts. Default decree of condemnation and destruction.** (F. D. C. No. 6354. Sample Nos. 59827-E, 59828-E, 59829-E.)

Examination showed that this product contained live worms and worm excreta.

On December 4, 1941, the United States attorney for the District of Maryland filed a libel against 127 50-pound cartons and 6 100-pound bags of walnuts at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about November 11 and December 3, 1940, by California Walnut Growers Association from Los Angeles, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Large Mayette [or "Budded" or "Eureka"] California Walnuts Diamond Brand."

On January 3, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3189. Adulteration of walnut meats. U. S. v. 8 Cases of Walnut Meats. Default decree of condemnation and destruction.** (F. D. C. No. 6553. Sample No. 85579-E.)

This product was insect-infested.

On December 20, 1941, the United States attorney for the Western District of Washington filed a libel against 8 cases of walnut meats at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about November 17, 1941, by Torn & Glasser from Los Angeles, Calif.; and charging that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: (Case) "Copper Heart Halves and Pieces."

On March 30, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3190. Adulteration of walnut meats. U. S. v. 16 Cases of Walnut Meats. Default decree of condemnation and destruction.** (F. D. C. No. 6639. Sample No. 85125-E.)

Examination of this product showed the presence of moldy, rancid, and decomposed walnut meats.



On January 10, 1942, the United States attorney for the Western District of Washington filed a libel against 16 cases of walnut meats at Tacoma, Wash., alleging that the article had been shipped in interstate commerce on or about December 8, 1941, by A. W. Johnson from Portland, Oreg.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Case) "W. W. Sims Salem Oreg \* \* \* Bakers Walnut Meats."

On March 30, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3191. Adulteration of walnut meats. U. S. v. 3 Bags of Walnuts. Default decree of condemnation and destruction. (F. D. C. No. 6751. Sample No. 85317-E.)**

Examination of this product showed the presence of moldy and rancid nuts.

On January 22, 1942, the United States attorney for the District of Idaho filed a libel against 3 50-pound bags of walnuts at Boise, Idaho, alleging that the article had been shipped in interstate commerce on or about January 9, 1942, by Wylie & Son from Eugene, Oreg.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On March 4, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3192. Adulteration of shredded coconut. U. S. v. 5 Barrels of Shredded Coconut. Default decree of condemnation. Product ordered distributed to charitable institutions. (F. D. C. No. 6806. Sample No. 67686-E.)**

This product was found to contain mineral oil.

On February 3, 1942, the United States attorney for the Western District of Tennessee filed a libel against 5 barrels of shredded coconut at Memphis, Tenn., alleging that the article had been shipped in interstate commerce on or about December 15, 1941, by Pure Food Products, Inc., from Dallas, Tex.; and charging that it was adulterated in that mineral oil, a nonnutritive substance, had been substituted in part therefor; and in that mineral oil, a nonnutritive substance, had been added thereto and mixed and packed therewith so as to reduce its quality. The article was labeled in part: "Monsantu Brand Fancy Shred Coconut Prepared with Sugar, Oil and Salt."

On April 7, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered distributed to charitable institutions.

**3193. Adulteration and misbranding of peanut butter. U. S. v. 50 Cases and 25 Cases of Peanut Butter. Default decree of condemnation and destruction. (F. D. C. No. 6862. Sample No. 83361-E.)**

This product contained dirt, and a portion was also short weight.

On February 12, 1942, the United States attorney for the Eastern District of Louisiana filed a libel against 50 cases each containing 24 6-ounce jars and 25 cases each containing 24 12-ounce jars of peanut butter at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about January 28, 1942, by Sessions Co., Inc., from Enterprise, Ala.; and charging that it was adulterated and that a portion was also misbranded. It was labeled in part: "Goldcraft Peanut Butter."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy substance.

A portion of the article was alleged to be misbranded in that the statement "Net Wt. 12 Ozs." was false and misleading as applied to an article that was short weight; and in that it was in package form and did not bear a label containing an accurate statement of the quantity of contents.

On March 25, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

## OLIVE OIL

**3194. Adulteration and misbranding of olive oil. U. S. v. 55 Cartons of Olive Oil. Default decree of condemnation and destruction. (F. D. C. No. 5801. Sample Nos. 74701-E to 74704-E, incl.)**

This product consisted essentially of an artificially flavored and artificially colored imitation olive oil.

On or about September 29, 1941, the United States attorney for the District of New Jersey filed a libel against 55 cartons of olive oil at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about August 26 and 30, 1941, by John Gatto from Brooklyn, N. Y.; and charging that it was



adulterated and misbranded. It was labeled in part variously: "Superfine Olive Oil A. Sasso Brand"; "Roberta Brand Pure Olive Oil"; "Puglia Brand Superfine Pure Olive Oil"; "Italia Brand Supreme Olive Oil Imported."

The article was alleged to be adulterated (1) in that artificially flavored and artificially colored mixtures of cottonseed oil, two lots containing peanut or some other vegetable oil, and containing little or no olive oil, had been substituted wholly or in part for olive oil, which it purported to be; (2) in that inferiority had been concealed by the addition of artificial flavor and artificial color; and (3) in that artificial flavor and artificial color had been added thereto or mixed or packed therewith so as to make them appear better or of greater value than they were.

The article was alleged to be misbranded (1) In that the statements and designs (A. Sasso brand) "Superfine Olive Oil \* \* \* Imported Product [design of an olive branch and olives] Pure Olive Oil Imported [and similar statements in Italian]"; (Roberta brand) "Pure Olive Oil Imported From Lucca Toscana Italy [design of olive branches, olives, and gold medals] This Olive Oil is guaranteed to be absolutely pure under chemical analysis and [similar statements in various foreign languages] Imported From Italy"; (Puglia brand) "Superfine Pure Olive Oil Imported From Lucca-Italy [design of olive branches and olives] This olive oil is guaranteed to be absolutely pure under any chemical analysis Recommended for table use and medicinal purposes [similar statements in Italian]"; (Italia brand) "Italia \* \* \* Supreme Olive Oil Imported Lucca-Italia [design of gold medals, Italian flag, and olive branches] The purity of this olive oil is guaranteed under chemical analysis and we recommend it for table and medicinal uses [and similar statements in Italian] Imported Pure Olive Oil," were false and misleading as applied to an article of the composition disclosed. (2) In that it was offered for sale under the name of another food. (3) In that it was an imitation of another food and its label failed to bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated. (4) In that it was in package form and did not bear a label containing the name and place of business of the manufacturer, packer, or distributor. (5) In that it contained artificial flavoring and artificial coloring and failed to bear labeling stating that fact.

On March 20, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

## SACCHARINE PRODUCTS

### CANDY

**3195. Adulteration of candy. U. S. v. Bobs Candy & Pecan Co. Plea of nolo contendere. Fine, \$500.** (F. D. C. No. 5529. Sample Nos. 37818-E to 37821-E, incl.)

Examination showed that this product contained insect and rodent hair fragments.

On December 9, 1941, the United States attorney for the Middle District of Georgia filed an information against Bobs Candy & Pecan Co., a corporation at Albany, Ga., alleging shipment on or about February 6 and 18, 1941, from the State of Georgia into the State of Florida, of quantities of candy that was adulterated. It was labeled in part "Bobs Mammoth Penny Ices," "Bobs Dutch Lunch," "Bobs Mammoth Penny Sticks Mint," or "Bobs Long Boy Penny Stick Mint."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On April 7, 1942, a plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$500.

**3196. Adulteration of candy. U. S. v. George D. Dillon (George Dillon Candy Co.). Plea of nolo contendere. Fines, \$100.** (F. D. C. No. 5532. Sample Nos. 37494-E, 37613-E.)

Examination showed that this product contained rodent hairs, insect fragments, and mites.

On December 20, 1941, the United States attorney for the Southern District of Florida filed an information against George D. Dillon, trading as George Dillon Candy Co. at Jacksonville, Fla., alleging shipment on or about January 21 and



28, 1941, from the State of Florida into the State of South Carolina, of quantities of candy that was adulterated. It was labeled in part: "2/1¢ Cocoanut Suckers."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On January 5, 1942, the defendant having entered a plea of nolo contendere, the court imposed a fine of \$50 on each count, totaling \$100.

**3197. Adulteration of candy. U. S. v. A. Karcher Candy Co. Plea of guilty. Fine, \$500.** (F. D. C. No. 5540. Sample Nos. 39627-E to 39639-E, incl.)

This product was found to contain rodent hairs and insect fragments.

On January 5, 1942, the United States attorney for the Eastern District of Arkansas filed an information against A. Karcher Candy Co., a corporation, Little Rock, Ark., alleging shipment on or about December 16, 1940, and January 10, 15, 21, and 30, 1941, from the State of Arkansas into the State of Louisiana of quantities of the above-named product which was adulterated. It was labeled in part: "Cinnamon Imperials," "Jelly Beans," "Boston Baked Beans," "Klondike Grab Bag," "Dixie Peanut Squares," "Boomers," "Tuxedo Bon Bons," "Goober Patties," "Marigolds," "Twirlers," "Star Chocolates," "Black Walnut Fudge," or "Chocolate Goobers."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On April 17, 1942, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$500.

**3198. Adulteration of candy. U. S. v. Martin Candy Co. Tried by the court. Judgment of guilty. Fine, \$250 on each of 2 counts. Payment of fine on second count suspended and defendant placed on probation.** (F. D. C. No. 4172. Sample Nos. 45080-E, 52502-E.)

This product contained filth.

On August 25, 1941, the United States attorney for the Northern District of Texas filed an information against the Martin Candy Co., a corporation at Dallas, Tex., alleging shipment on or about June 21 and August 16, 1940, from the State of Texas into the States of Idaho and Montana, of quantities of candy that was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: (Boxes) "Delicious Bofe-Uvus"; or "Martin's U-Like-Um Bar."

On February 23, 1942, a plea of not guilty having been entered on behalf of the defendant, the case was tried to the court and a judgment of guilty was entered and a fine of \$250 was imposed on each count. The fine on the second count was suspended and the defendant was placed on probation for 6 months.

**3199. Adulteration of candy. U. S. v. Orville A. Sebring and Clarence W. Berry (Tyler Candy Co.). Pleas of nolo contendere. Fines, \$50.** (F. D. C. No. 5509. Sample Nos. 35858-E to 35861-E, incl., 39937-E, 43868-E.)

Examination showed that this product contained rodent hairs and insect fragments.

On November 17, 1941, the United States attorney for the Eastern District of Texas filed an information against Orville A. Sebring and Clarence W. Berry, trading as Tyler Candy Co. at Tyler, Tex., alleging shipment in interstate commerce within the period from on or about January 8 to on or about February 28, 1941, from the State of Texas into the States of Kansas, Arkansas, and Louisiana, of quantities of candy that was adulterated. It was labeled in part: "Tyler-Maid Penny Peco [or "Penny Stick," "Cocoanut Fresh Pattie," "Cocoanut Leaf," "Peanut-Patties," or "Fresh Pattie"]."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On February 10, 1942, the defendants having entered pleas of nolo contendere, the court imposed a fine of \$25 upon each defendant.

**3200. Adulteration of candy. U. S. v. 12 Boxes and 29 Boxes of Candy. Default decree of condemnation and destruction.** (F. D. C. No. 6771. Sample Nos. 79158-E, 79159-E.)

Examination of this product showed that it was contaminated with filth, such as rodent hairs and excreta, and insect fragments.



On January 27, 1942, the United States attorney for the Eastern District of Kentucky filed a libel against 41 boxes of candy at Jettie, Ky., alleging that the article had been shipped in interstate commerce on or about December 13, 1941, from the factory of the D. D. Carney Candy Manufacturing Co., Huntington, W. Va., and charging that it was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part "Horehound," or "Billy Boy Baseball Pops."

On February 19, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3201. Adulteration of candy. U. S. v. 13 Boxes and 7 Boxes of Candy. Default decree of condemnation and destruction. (F. D. C. No. 6299. Sample Nos. 48973-E, 48974-E.)**

Examination showed that this product contained insect fragments.

On or about December 27, 1941, the United States attorney for the Eastern District of South Carolina filed a libel against 13 boxes each containing 24 pieces, and 7 boxes each containing 24 bars of candy at Columbia, S. C., alleging that the article had been shipped in interstate commerce on or about September 25, 1941, by Dilling & Co. from Indianapolis, Ind.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: (Pieces, wrapper) "Dilling's Peanut Cluster \* \* \* 5¢," or (bars, wrapper) "Dilling's Chocolate Cherry Pie 5c George's Favorite Pie."

On January 21, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3202. Adulteration of candy. U. S. v. 21 Boxes and 8 Boxes of Candy (and 3 other seizure actions against candy). Default decrees of condemnation and destruction. (F. D. C. Nos. 6308, 6348, 6349, 7476. Sample Nos. 56746-E to 56752-E, incl. 61927-E.)**

Examination showed that this product was contaminated with filth, such as rodent hairs, human hairs, insect fragments, and metal fragments.

Between November 28, 1941, and May 7, 1942, the United States attorneys for the District of New Jersey and the District of Oregon filed libels against 94 boxes of candy at Newark, and 53 boxes of candy at Union City, N. J., and 45 cases of candy at Portland, Oreg., alleging that the article had been shipped in interstate commerce within the period from on or about July 2, 1941, to on or about April 13, 1942, by Euclid Candy Co. from San Francisco, Calif.; and Euclid Candy Co. of N. Y., Inc., from Brooklyn, N. Y., and charging that it was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "48's Sambo"; "Dolly Dimple Home-Made Fudge Bars"; "Kitchen-Made Fudge Cocoanut"; "Euclid's Penny Love Nest"; or "Euclid's Red Cap."

On March 2 and June 12, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**3203. Adulteration of candy. U. S. v. 6 Cases of Candy. Default decree of condemnation and destruction. (F. D. C. No. 6204. Sample No. 70039-E.)**

This product contained rodent hairs and insect fragments.

On or about November 14, 1941, the United States attorney for the Southern District of Florida filed a libel against 6 cases of candy at Jacksonville, Fla., alleging that the article had been shipped in interstate commerce on or about November 2, 1941, by Head Candies, Inc., Atlanta, Ga.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: (Cases) "30 Lb. Peanut Brittle."

On January 7, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3204. Adulteration of candy. U. S. v. 27 Cases, 22 Boxes, and 46 Cases of Candy. Default decrees of condemnation and destruction. (F. D. C. Nos. 6746, 6747. Sample Nos. 79155-E to 79157-E, incl.)**

Examination showed that this product contained rodent hairs and that one lot also contained insect fragments and larvae.



On January 22, 1942, the United States attorney for the Eastern District of Kentucky filed libels against 27 32-pound cases and 22 boxes of candy at Lexington, and 46 32-pound cases of candy at West Liberty, Ky., alleging that the article had been shipped in interstate commerce on or about November 20 and December 6, 1941, by Lovelace Candy Co. from Nashville, Tenn.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Sweet Annie Pure Stick Candy," or "Dixie Dan Stick Mint."

On February 18, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**3205. Adulteration of candy. U. S. v. 339 Boxes of Candy (and 2 other seizure actions against candy). Default decrees of condemnation and destruction.** (F. D. C. Nos. 6556, 6557, 6597. Sample Nos. 37596-E, 37598-E, 48547-E, 48999-E, 49000-E, 70229-E.)

Examination showed that this product was contaminated with filth, such as rodent hairs and other hair fragments, insect fragments, and larvae.

Between December 27, 1941, and January 5, 1942, the United States attorneys for the Northern District of Georgia and the Eastern District of South Carolina filed libels against the following quantities of candy: 2 3-pound boxes, 134 2-pound boxes, 301 1-pound boxes, and 69 half-pound boxes at Atlanta, Ga.; and 3 3-pound boxes, 58 2-pound boxes, 25 1-pound boxes, and 6 half-pound boxes at Columbia, S. C., alleging that the article had been shipped in interstate commerce within the period from on or about October 7 to on or about December 9, 1941, by Russell McPhail from Jacksonville, Fla.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Russell McPhail Chocolates."

On February 18 and 19, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**3206. Adulteration of candy. U. S. v. 80 Boxes of Candy. Default decree of condemnation and destruction.** (F. D. C. No. 6826. Sample No. 70724-E.)

Examination showed this product to contain insect fragments and rodent hairs.

On February 9, 1942, the United States attorney for the Western District of North Carolina filed a libel against 80 boxes of candy at Wadesboro, N. C., alleging that the article had been shipped in interstate commerce on or about November 25, 1941, by Meadors Manufacturing Co. from Greenville, S. C.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part "Meadors Big Apple."

On March 24, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3207. Adulteration of candy. U. S. v. 5 Cases and 10 Cases of Candy (and 4 other seizure actions against candy). Default decrees of destruction.** (F. D. C. Nos. 5336, 5353, 5354, 6208, 6883. Sample Nos. 60844-E, 60845-E, 60848-E, 60849-E, 60903-E to 60907-E, incl., 81227-E, 81228-E.)

Examination showed that this product contained rodent hairs and insect fragments.

On or about August 8, 15, and 16 and November 17, 1941, and February 18, 1942, the United States attorneys for the District of Montana, District of Oregon, and the District of Utah filed libels against the following quantities of candy: 25 cases at Great Falls and 6 cartons and 8 cases at Kalispell, Mont.; 60 cartons at Eugene, Oreg.; and 656 dozen cellophane bags at Salt Lake City, Utah, alleging that the article had been shipped in interstate commerce within the period from on or about July 18, 1941, to on or about January 22, 1942, by Parisian Candy Co. from Seattle, Wash.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part variously: "Parisian Union Leader," "Parisian Club House," "Parisian Coco Sno Bar," "Parisian's Chucky," "Parisian Whipped Dream Style Bar," "Parisian Charmed Land Candies," "Parisian Brazil Nut in Caramel," "Parisian Baked Potato Candy Bar," or "Parisian Almond Creme."



On November 3, 1941, and January 12 and April 22, 1942, no claimant having appeared, judgments were entered ordering that the product be destroyed.

**3208. Adulteration of candy. U. S. v. 14 Boxes, 15 Boxes, and 55 Boxes of Candy. Default decree of condemnation and destruction.** (F. D. C. Nos. 5399, 5400. Sample Nos. 59547-E, 59548-E.)

Examination showed that this product contained rodent hairs and insect fragments.

On or about August 20, 1941, the United States attorney for the Western District of Virginia filed a libel against 84 boxes of candy at Lynchburg, Va., alleging that the article had been shipped in interstate commerce on or about July 25 and August 7, 1941, by Specialty Candy Co. from Baltimore, Md.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Hilltopper Delicious Pops \* \* \* Cherry [or "Assorted"]."

On December 1, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3209. Adulteration of apricot glaze. U. S. v. 31 Cans of Apricot Glaze. Default decree of condemnation and destruction.** (F. D. C. No. 5911. Sample No. 74493-E.)

Examination showed that this product contained rodent hairs and insect fragments. A portion also contained splinters of wood.

On or about October 6, 1941, the United States attorney for the District of New Jersey filed a libel against 31 8-pound cans of apricot glaze at South Amboy, N. J., alleging that the article had been shipped in interstate commerce on or about September 4, 1941, by Wood & Selick, Inc., from New York, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Favorite Apricot Glaze."

On November 19, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3210. Adulteration of candy. U. S. v. 18 Boxes of Candy. Default decree of condemnation and destruction.** (F. D. C. No. 5662. Sample No. 61733-E.)

This product was insect-infested.

On September 12, 1941, the United States attorney for the Northern District of California filed a libel against 18 boxes of candy at Weed, Calif., alleging that the article had been shipped in interstate commerce on or about July 16, 1941, by Brown & Haley from Tacoma, Wash.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "24 School Special Hi Bar 5 Cents."

On December 5, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3211. Adulteration of candy. U. S. v. 22 Cartons and 8 Cartons of Candy. Default decree of condemnation and destruction.** (F. D. C. No. 6325. Sample Nos. 59825-E, 59826-E.)

Examination showed that this product contained insect fragments.

On December 3, 1941, the United States attorney for the Eastern District of Virginia filed a libel against 30 30-pound boxes of candy at Fredericksburg, Va., alleging that the article had been shipped in interstate commerce on or about October 13, 1941, by General Candy Co. from Baltimore, Md.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Assorted Cocoanut Bonbons," or "Broken Candy."

On February 18, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3212. Adulteration of candy. U. S. v. 37 Boxes, 18 Boxes, 6 Boxes, and 4 Boxes of Candy. Default decrees of condemnation and destruction.** (F. D. C. Nos. 6273, 6393. Sample Nos. 61593-E, 85111-E to 85113-E, incl.)

Examination showed that this product contained insect fragments and larvae, hairs resembling rodent hairs, and (in one lot) rodent pellets.

On November 24 and December 12, 1941, the United States attorney for the Western District of Washington filed libels against 65 boxes, each containing 24 bars, of candy at Seattle, Wash., alleging that the article had been shipped in



interstate commerce on or about October 23 and November 24, 1941, by Radcliffe's Soya Products from San Francisco, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (37 boxes) "Radcliffe's Soya Milk Candy Hollywood Candy Bar"; (bar wrappers of remainder) "Radcliffe's Products \* \* \* Papaya Fruit Bar [or "Avocado Candy Bar"]"; or "Radcliffe's Soya-Bar Cocoanut Fruit."

On March 30, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**3213. Adulteration of candy. U. S. v. 12 Cases and 1 Case of Candy. Default decree of condemnation and destruction. (F. D. C. No. 6294. Sample No. 61599-E.)**

Examination showed that this product contained insect fragments and hairs resembling rodent hairs.

On November 27, 1941, the United States attorney for the Western District of Washington filed a libel against 12 cases each containing 8 boxes and 1 case containing 6 boxes of candy at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about October 22, 1941, by Warren Watkins from Los Angeles, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Boxes) "5 Lbs. Chocolate Ruff [or "Vanilla Ruff," "Nougat Chews," "Maplewalnut," "Caramels," "Mint Creams," "Vanilla Cream," or "Pineapple Creams"]."

On March 30, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

#### MISCELLANEOUS

**3214. Adulteration of granulated sugar. U. S. v. 100 Sacks of Granulated Sugar. Consent decree of condemnation. Product released under bond for conversion into alcohol. (F. D. C. No. 6353. Sample No. 83163-E.)**

Examination showed this product to be contaminated by insect fragments, rodent hairs, and rodent fragments.

On or about December 4, 1941, the United States attorney for the Southern District of Mississippi filed a libel against 100 sacks of granulated sugar at Natchez, Miss., alleging that the article had been shipped in interstate commerce on or about October 27, 1941, by Cora-Texas Manufacturing Co., Inc., from White Castle, La.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: "Caneland Standard Fine Granulated Pure Cane Sugar."

On January 19, 1942, Cora-Texas Manufacturing Co., Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for use in the manufacture of alcohol.

**3215. Adulteration of sugar. U. S. v. 242 Bags, 99 Bags, 14 Bags, 12 Bags, and 13 Bags of Sugar. Consent decree of condemnation. Product ordered released under bond to be reprocessed and refined. (F. D. C. Nos. 6617 to 6620, incl. Sample Nos. 67950-E to 67953-E, incl.)**

This product had been stored under insanitary conditions after shipment.

On January 2, 1942, the United States attorney for the Eastern District of Arkansas filed a libel against the following quantities of sugar at Paragould, Ark.: 242 100-pound bags and 99 10-pound bags shipped on or about September 3, 1941, by the South Coast Corporation from Matthews, La.; 14 100-pound bags shipped on or about May 28, 1941, by Sterling Sugar Sales Corporation from Sterling, La.; 12 100-pound bags shipped on or about September 8, 1941, by Western Sugar Refinery from New Orleans, La.; and 13 100-pound bags shipped on or about October 25, 1941, by Great Western Sugar Co. from Loveland, Colo., alleging that the article had been shipped in interstate commerce as above; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, and decomposed substance, and was otherwise unfit for food. The article was labeled in part: "White Gold [or "Sterling Quality \* \* \*," or "Sea Island"] Pure Cane Sugar"; or "Great Western \* \* \* Pure Sugar."

On February 9, 1942, Puryear-Meyer Grocer Co., Paragould, Ark., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reprocessed and refined under the supervision of the Food and Drug Administration.



**3216. Misbranding of cane and corn sirup. U. S. v. 12 Cases of Sirup. Default decree of condemnation. Product ordered delivered to charitable organization. (F. D. C. No. 6346. Sample No. 35830-E.)**

This product was represented to contain only 10 percent of corn sirup but actually contained 75 percent. Furthermore, the label on the cans failed to bear an accurate statement of the quantity of the contents since the cans contained an amount more than double the quantity declared.

On December 4, 1941, the United States attorney for the Eastern District of Texas filed a libel against 12 cases of cane and corn sirup at Texarkana, Tex., alleging that the article had been shipped in interstate commerce on or about July 23, 1941, by Ivy Norris, Pure Sugar Cane Products, from West Monroe, La.; and charging that it was misbranded. It was labeled in part: (Cases) "Pure Ribbon Cane Syrup Wm. Norris, West Monroe, La. \* \* \* Net Wt. 2 lbs. 2 ozs. 1½ Pts. or over"; (cans) "Pure Ribbon Cane Syrup Contains 10% Corn Syrup Added \* \* \* Net Weight 1 lb. Liquid Contents, 10 ozs. or over."

The article was alleged to be misbranded in that the labeling was false since the cans contained approximately 75 percent of corn sirup instead of 10 percent and the average net weight of each can was 2 pounds 2.48 ounces and the average net volume was 1 pint 9 fluid ounces.

On January 19, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a local charitable organization.

**3217. Adulteration of fondant icing. U. S. v. 5 Drums of Fondant Icing. Default decree of condemnation and destruction. (F. D. C. No. 5912. Sample No. 74495-E.)**

This product was found to contain rodent hairs and insect fragments.

On or about October 4, 1941, the United States attorney for the District of New Jersey filed a libel against 5 drums of fondant icing at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about September 4, 1941, by Wood & Selick, Inc., from New York, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. It was labeled in part: "Favorite Fondant Icing."

On November 11, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

## CACAO PRODUCTS

**3218. Adulteration of chocolate icing. U. S. v. 19 Cans of H & H Kakolate. Default decree of condemnation and destruction. (F. D. C. No. 6243. Sample No. 54504-E.)**

This product contained rodent hairs.

On November 17, 1941, the United States attorney for the Eastern District of Pennsylvania filed a libel against 19 cans of H & H Kakolate at Drexel Hill, Pa., alleging that the article had been shipped in interstate commerce on or about October 20, 1941, by Henry & Henry, Inc., from Buffalo, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On January 5, 1942, no claimant having appeared, decree of condemnation was entered and the product was ordered destroyed.

**3219. Adulteration of baking chocolate. U. S. v. 46 Cartons and 83 Cartons of Chocolate. Default decree of condemnation and destruction. (F. D. C. No. 6916. Sample No. 23388-E.)**

Examination showed that this product was heat-damaged, and that it contained webbing, dead moths, and larvae.

On February 23, 1942, the United States attorney for the Northern District of California filed a libel against 46 cartons each containing 24 half-pound bars, and 83 plain fiber cartons each containing 110 half-pound bars of chocolate at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about August 11, 1939, by E. & A. Opler, Inc., from Brooklyn, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article in the 46 cartons was labeled in part: "Our Mother's Pure Baking Chocolate."



On March 14, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3220. Misbranding of cocoa. U. S. v. 11 Cases of Cocoa. Default decree of condemnation and destruction.** (F. D. C. No. 6822. Sample Nos. 51338-E, 90571-E.)

Examination showed that this product was short weight and deficient in cocoa fat.

On February 7, 1942, the United States attorney for the District of Massachusetts filed a libel against 11 cases of cocoa at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about October 30, 1940, by Francis H. Leggett & Co. from New York, N. Y.; and charging that it was misbranded. It was labeled in part: "Plantation Brand Cocoa Plantation Extract Corporation New York City, N. Y., 5 Lbs. Net Wt."

The article was alleged to be misbranded in that the statement "5 Lbs. Net Wt." was false and misleading as applied to an article that was short weight; in that it was offered for sale under the name of another food since it was invoiced as breakfast cocoa, a product containing 22 percent of cocoa fat, and it contained only 15.72 percent of cocoa fat; and in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

On April 27, 1942, no claimant having appeared, judgment of condemnation was ordered and the product was ordered destroyed.

### VITAMIN PREPARATIONS

**3221. Adulteration and misbranding of A. B. D. G. Capsules. U. S. v. 15,000 A. B. D. G. Capsules. Default decree of condemnation and destruction.** (F. D. C. No. 6068. Sample No. 53409-E.)

These capsules, which were shipped in bulk package, were labeled "A. B. D. G. Capsules Improved," but subsequently a portion were repackaged and labeled "Hain Abgede Improved Vitamins." Each capsule was represented to contain 200 U. S. P. units of vitamin B<sub>1</sub>, but examination showed that each one contained not more than 133 International Units (U. S. P. units) of vitamin B<sub>1</sub>.

On October 24, 1941, the United States attorney for the Southern District of California filed a libel against 15,000 A. B. D. G. Capsules at Los Angeles, Calif., alleging that the article had been shipped on or about July 11, 1941, by the International Vitamin Corporation from Brooklyn, N. Y.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that a valuable constituent, namely, vitamin B<sub>1</sub>, had been in whole or in part omitted or abstracted therefrom. It was alleged to be misbranded in that the statement on the shipping carton, "200 vitamin B<sub>1</sub> units U. S. P.," was false as applied to an article that contained not more than 133 International Units of vitamin B<sub>1</sub> per capsule.

It was also alleged to be adulterated and misbranded under the provisions of the law applicable to drugs, as reported in D. D. N. J. No. 566.

On November 19, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3222. Misbranding of wheat germ. U. S. v. 219 Cans of Wheat Germ. Default decree of condemnation and destruction.** (F. D. C. No. 6362. Sample No. 83181-E.)

The labeling of this product bore false and misleading representations regarding its value as a source of certain vitamins and minerals and its efficacy in the treatment of diseases and abnormalities of the body.

On December 9, 1941, the United States attorney for the Eastern District of Louisiana filed a libel against 219 cans of wheat germ at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about September 15, 16, and 24, 1941, by the Colonial Milling Co. from Nashville, Tenn.; and charging that it was misbranded. It was labeled in part: "Polly Rich Wheat Germ."

The article was alleged to be misbranded in that the following and similar statements, (label) "Contains Vitamins A-B-E-G \* \* \* Four level tablespoons of Wheat Germ contain about the average daily requirement of Vitamin B"; and (circular, entitled "Polly Rich Wheat Germ Contains vitamins A-B-E-G," attached to retail package) "'Nature's Own Tonic in Its Pure Virgin Wholeness' \* \* \* The heart or embryo of the grain of wheat is known as 'Wheat



Germ.' It is one of the best known sources of Vitamin B (whole complex) and E and is a good source of Vitamin A. It contains iron, phosphorous, sodium, potassium, zinc, copper, manganese, calcium and magnesium, all of which are essential to our mineral economy, in forms which are easily assimilated. Wheat Germ is in truth 'Nature's own health tonic in its pure virgin wholeness'," were false and misleading since they created the impression that wheat germ is a consequential source of vitamins A, B, E, and G and the minerals iron, phosphorus, sodium, potassium, zinc, copper, manganese, calcium and magnesium; whereas, while wheat germ may be considered as a consequential source of vitamin B and phosphorus, the contribution to the dietary intake of the other vitamins and minerals contained in wheat germ is inconsequential. It was alleged to be misbranded further in that representations in the labeling that it was efficacious in the treatment of a wide variety of diseases and abnormalities of the body, such as secondary anemia, cataracts of the eye, sterility, and alcoholic diseases, were false and misleading in that it would not be efficacious for such purposes.

It was also charged to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices.

On March 25, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

### MISCELLANEOUS

**3223. Adulteration and misbranding of lemon flavor. U. S. v. 234 Quarts of Lemon Flavor. Default decree of condemnation and destruction. (F. D. C. No. 6700. Sample No. 40801-E.)**

This product was deficient in lemon oil since it contained only approximately 9 percent while the label declared 20 percent.

On January 14, 1942, the United States attorney for the Eastern District of Pennsylvania filed a libel against 234 quarts of lemon flavor at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or before December 24, 1940, by Francis H. Leggett & Co. from New York, N. Y.; and charging that it was adulterated and misbranded. It was labeled in part: "Lemon Flavor Non-alcoholic."

The article was alleged to be adulterated in that a nonalcoholic lemon flavor containing less than 20 percent of oil of lemon had been substituted for non-alcoholic lemon flavor containing 20 percent of oil of lemon.

It was alleged to be misbranded in that the statements, "Formula: Oil of lemon (U. S. P. (by volume) ) 20 Per Cent" and "This lemon flavor has four times the flavoring strength of ordinary commercial lemon extracts. One teaspoonful of this flavor is equal in strength to four teaspoonfuls of commercial extract and should be used accordingly," were false and misleading since it contained less than 20 percent of oil of lemon.

On June 5, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3224. Adulteration of ground black pepper. U. S. v. 4 Barrels of Black Pepper. Default decree of condemnation and destruction. (F. D. C. No. 6551. Sample No. 90267-E.)**

This product contained rodent hairs and insect fragments.

On December 22, 1941, the United States attorney for the District of Massachusetts filed a libel against 4 barrels of black pepper at Malden, Mass., alleging that the article had been shipped in interstate commerce on or about September 8, 1941, by Wood & Selick, Inc., from New York, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: (Barrels) "Favorite Brand Black Pepper."

On March 23, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3225. Misbranding of gelatin. U. S. v. 22 Cases of Gelatin. Default decree of condemnation and destruction. (F. D. C. No. 5386. Sample No. 60855-E.)**

Examination showed that the two envelopes, each containing 1 tablespoonful of gelatin, enclosed in the box in which the product was packaged, occupied only about 25 percent of the capacity of the box.



On August 15, 1941, the United States attorney for the Western District of Washington filed a libel against 22 cases, each containing 36 boxes, of gelatin at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about June 12, 1941, by Jell-Well Dessert Co., Ltd., from Los Angeles, Calif.; and charging that it was misbranded in that its container was so made, formed, or filled as to be misleading. The article was labeled in part: "Jell-Well Plain Gelatine."

On March 30, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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### PRODUCTS

	N. J. No.		N. J. No.
A. B. D. G. Capsules-----	3221	Icing, chocolate-----	3218
Alfalfa meal-----	3023	fondant-----	3217
Apples-----	3076-3078	Jams-----	3149, 3150
dried-----	3159, 3160	Jellies-----	3149
Apricot glaze-----	3209	Lemon flavor-----	3223
Beans-----	3081	Lingon berries-----	3080
wax, canned-----	3100	Macaroni products-----	3019
Beets, canned-----	3101	Meat and meat products-----	3166-3180
Beverages and beverage materials-----	3001-3003	Milk, evaporated-----	3049
Blackberries, canned-----	3084-3087	Noodles-----	3019
frozen-----	3082	Nuts and nut products-----	3181-3193
Brazil nuts-----	3181-3184	Olive oil-----	3194
Butter-----	3024-3033	Oysters-----	3062-3065
Cacao products-----	3218-3220	Peach-pear mix, chopped-----	3099
Cake and pastry flour-----	3005	and pear tidbits-----	3098
Candy-----	<sup>1</sup> 3195-3213	Peaches, canned-----	3094, 3095
Cereal products-----	3004-3021	dried-----	3162
Cheese-----	3034-3047	Peanut butter-----	3193
Cherries, canned-----	3088-3093	Peas, canned-----	3107-3110
maraschino, canned-----	3093	field, canned-----	3109, 3110
Chocolate, baking-----	3219	Pecans-----	3185-3187
flavored sirup-----	3003	Pepper, black-----	3224
icing-----	3218	sauce-----	3152, 3153
Cocoa-----	3220	Pickles-----	3155
Coconut, shredded-----	3192	dill, slices-----	3154
Corn, canned-----	3102-3106	Popcorn-----	3018
Cottonseed screenings-----	3022	Poultry-----	3166-3177
Crab meat-----	3057-3061	Preserves-----	3149
Cream-----	3048	Prunes-----	3163
Dairy products-----	3024-3049	Rabbits-----	3178
Dates-----	3161	Raisins-----	3164, 3165
Egg(s)-----	3050-3056	Relish, sweet-----	3156-3158
frozen-----	3052-3055	Rice-----	3017
plant appetizer-----	3151	Rye meal-----	3016
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Feed-----	3022, 3023	Sardines, canned-----	3074
Fish, canned-----	3073-3075	Seafood, canned-----	3075
and shellfish, frozen-----	3066-3072	Self-rising flour-----	3004, 3007, 3012, 3014, 3015
Fisheries products-----	3057-3075	Shrimp, frozen-----	3066-3068
Flour-----	3004-3015	Sirup, cane and corn-----	3216
Fruit cocktail, canned-----	3096	Spinach, canned-----	3111, 3112
diced mixed-----	3097	Strawberries, frozen-----	3083
Fruit(s) and vegetable(s)-----	3076-3165	Sugar-----	3214, 3215
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punch base-----	3002	sauce-----	3132, 3148
Haddock, frozen-----	3069	Vegetables, mixed, canned-----	3113
Herring, frozen-----	3070	Vitamin products-----	3221, 3222
H. & H. Kakolate-----	3218	Walnuts-----	3188-3191
Horse and cattle meat-----	3179, 3180	Wheat germ-----	3222
Huckleberries-----	3079	Whiting, frozen-----	3071, 3072
Ice cream cones-----	3020		

<sup>1</sup> No. 3198, prosecution contested.



## SHIPPERS, PROCESSORS, AND DISTRIBUTORS

	N. J. No.		N. J. No.
Adams County Creamery :		Eagle Poultry Co. :	
butter-----	3029	poultry-----	3169
Agar Poultry Corporation :		Edgerton Creamery Co. :	
poultry-----	3173	butter-----	3030
Alva Roller Mills :		Einhorn's, Inc. :	
flour-----	3011	spinach, canned-----	3112
A. M. S. Packing Co. :		Elmhurst Packers, Inc. :	
tomato paste-----	3147	tomato catsup-----	3122
Armour & Co. :		Empire Packing Co. :	
butter-----	3024	raisins-----	3165
Cheddar cheese-----	3034	Engleson, M. O., & Co. :	
cottonseed screenings-----	3022	apples, evaporated-----	3159
tomato juice-----	3133	Esmeralda Canning Co. :	
Armour Creameries :		corn, canned-----	3102
Cheddar cheese-----	3037, 3040	Euclid Candy Co. :	
Atlas Cone & Candy Manufacturing Co. :		candy-----	3202
ice cream cones-----	3020	Euclid Candy Co. of N. Y., Inc. :	
Aunt Nellie's Farm Kitchen, Inc. :		candy-----	3202
corn, canned-----	3106	Evangeline Pepper & Food Products :	
Ball, F. M., & Co. :		pepper sauce-----	3152
peach-pear mix, chopped-----	3099	Fant Milling Co. :	
tomato catsup-----	3121	flour-----	3006
Barker Canning Corporation :		Farmers Cooperative Creamery :	
tomato juice-----	3134	poultry-----	3175
Baxter Cheese Corporation :		Fine Foods, Inc. :	
Swiss cheese-----	3046	jams-----	3150
Berry, C. W. See Tyler Candy Co.		First National Pickle Products :	
Bexar Cheese Co. :		tomato catsup and puree-----	3119
Cheddar cheese-----	3035	Flag Fish Co. :	
Block, Max, & Co., Inc. :		haddock, frozen-----	3069
cherries, canned-----	3093	Flandreaux Cooperative Creamery :	
Bobs Candy & Pecan Co. :		butter-----	3031
candy-----	3195	Flour Mills Co. of America :	
Bohannon, O. W., Inc. :		flour-----	3011
spinach, canned-----	3112	Fort Worth Poultry & Egg Co. :	
Borden, S. S., Co. :		Cheddar cheese-----	3037
butter-----	3033	Fortgang Bros. :	
Braverman, Benjamin :		butter-----	3029
horse and cattle meat-----	3179, 3180	Foster & Wood Canning Co. :	
Breakstone Bros., Inc. :		fruit cocktail, canned-----	3096
butter-----	3030	Fresh Grown Preserve Corporation :	
Brown & Haley :		james, jellies, and preserves-----	3149
candy-----	3210	Gary, W. M., Grocery Co., Inc. :	
Bulliard, Ed. See Evangeline Pepper & Food Products.		peas, canned-----	3107
Butterfield Canning Co. :		Gatto, John :	
tomato puree-----	3136	olive oil-----	3194
California Walnut Growers Association :		General Candy Co. :	
walnuts-----	3188	candy-----	3211
Carney, D. D., Candy Manufacturing Co. :		General Grocery Co. :	
candy-----	3200	cherries, canned-----	3088
Challenge Cream & Butter Association :		General Mills, Inc. :	
Cheddar cheese-----	3039	flour-----	3004
Clear Lake Cannery, Inc. :		Georgia Canning Co., Inc. :	
vegetables, mixed, canned-----	3113	peas, field, canned-----	3109
Colonial Milling Co. :		Globe Mills :	
wheat germ-----	3222	flour-----	3008
Cooper, Allen :		Goddard, Geo. W., Co. :	
Cheddar cheese-----	3036	tomatoes, canned-----	3114
Cora-Texas Manufacturing Co., Inc. :		Good Canning Co. :	
sugar-----	3214	spinach, canned-----	3111
Coulbourn, N. R. :		Great Western Sugar Co. :	
crab meat-----	3060	sugar-----	3215
Crisfield Packing Co. :		Greenbaum, Sam :	
oysters-----	3063	eggs, frozen-----	3052
Cudahy Packing Co. :		Guggenbime & Co. :	
chickens, dressed-----	3174	peaches, dried-----	3162
Dasher Pecan Co. :		raisins-----	3164
pecan pieces-----	3185	Gulf Crabmeat Co. :	
Demartini, L., Co. :		crab meat-----	3057
chocolate-flavored sirup-----	3003	Haas Bros. :	
Denison, H. S., & Co. :		blackberries, canned-----	3084
apples-----	3076	raisins-----	3165
Dilling & Co. :		Halferty, G. P., & Co. :	
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Dillon, George, Candy Co. :		rabbits-----	3178
candy-----	3196	Harbor City Food Corporation :	
Duche, T. M., & Sons :		tomato catsup-----	3128
Brazil nuts-----	3181, 3182	Harcourt, Greene Co. :	
Durham Valley Mills Co. :		peach and pear tidbits-----	3098
cake and pastry flour-----	3005	Hartmann Canning Co., Inc. :	
		tomato paste-----	3143
		Haxton, Geo. W., & Son :	
		beans-----	3081
		Head Candies, Inc. :	
		candy-----	3203



	N. J. No.		N. J. No.
Henderson, L. C. <i>See</i> Henderson Produce Co.		Larsen Co.:	
Henderson Produce Co.:		wax beans, canned	3100
poultry	3166	La Sierra Heights Canning Co., Inc.:	
Henry & Henry, Inc.:		tomato paste	3147
chocolate icing	3218	Lawton Produce Co.:	
Hersey Cheese Factory:		sweet relish	3156
cheese	3038	Leggett, F. H., & Co. <i>See</i> Leggett, Francis H., & Co.	
Hershel California Fruit Products Co., Inc.:		Leggett, Francis H., & Co.:	
tomato paste	3144	cocoa	3220
Hickman & Sterling:		corn, canned	3102, 3103
oysters	3065	lemon flavor	3223
Higson & Co.:		sardines, canned	3074
Brazil nuts	3183	tomato puree	3119, 3139, 3141
Hills Bros. Co.:		Lewis, Sam:	
dates	3161	shrimp, frozen	3067
Hirsch Bros. & Co.:		Litteral Canning Co.:	
tomato ketchup	3123	blackberries, canned	3085
Hogan Milling Co.:		Lloyd, B.:	
flour	3009	pecan meats	3186
Holley Canning Co., Inc.:		Loudon Packing Co.:	
tomato juice	3133	tomato catsup	3120
Hongkong Export:		Lovelace Candy Co.:	
egg yolk, dried	3056	candy	3204
Houghland Packing Co.:		Loveland Canning Co.:	
tomato puree	3137	cherries, canned	3089
Idaho Egg Producers:		Loy, Carlton:	
eggs, frozen	3054	cream	3048
I. G. A. Grocers Alliance:		Magnetic Products:	
rice	3017	jelly	3149
Independent Grocers Alliance Distributors, Inc.:		Manteca Canning Co.:	
tomato sauce	3148	tomatoes and tomato paste	3116, 3145
Independent Whse. Co.:		Marr, H. A., Grocery Co.:	
apples	3077	tomato puree	3140
Interstate Grocer Co.:		Marshall Canning Co. of Texas:	
rice	3017	beets, canned	3101
Iowa Egg Co.:		Marshall Food Products Co.:	
eggs, frozen	3055	beets, canned	3101
James, F. T.:		Marshall Kirby & Co.:	
herring, frozen	3070	eggs, frozen	3053
Jell-Well Dessert Co., Ltd.:		Martin Candy Co.:	
gelatin	3225	candy	<sup>1</sup> 3198
Jerome Cooperative Creamery:		Mason Canning Co.:	
Cheddar cheese	3039	peas, canned	3107
Johnson, A. W.:		May Food Stores:	
walnut meats	3190	pecans	3187
Jones, H. E., & Co.:		May, L. C. <i>See</i> Mountain Valley Produce.	
tomato catsup	3124	McPhail, Russell:	
Joslyn, H. K. <i>See</i> Rochester Egg & Poultry Co.		candy	3205
Kadane Creamery:		Meadors Manufacturing Co.:	
Cheddar cheese	3040	candy	3206
Karcher, A., Candy Co.:		Meaker, C. G., Co., Inc.:	
candy	3197	tomato catsup	3119
Kent Canning Co.:		Middle'd Packers:	
peas, field, canned	3110	huckleberries	3079
Kern Food Products:		Minnesota Creamery Co.:	
tomato catsup	3125	butter	3029
King Shrimp Co.:		Minnesota Dairy Co., Inc.:	
shrimp, frozen	3066	butter	3027
Knight Packing Co.:		Morgan Packing Co.:	
tomato catsup	3118	tomato products	3126, 3127
Knox Pickle & Preserve Works:		Mountain Valley Produce:	
tomato puree	3135	shell eggs	3050
Kramer, J. R. Inc.:		M. & R. Trading Co.:	
butter	3032	dill pickle slices	3154
Kroger Grocery & Baking Co.:		sweet relish	3157
corn, canned	3104	Mukai & Son:	
La Belle Creamery Co.:		strawberries, frozen	3083
butter	3025	Muskatell, Jack. <i>See</i> Muskatell, Morris, & Sons.	
Ladoga Canning Co.:		Muskatell, Morris. <i>See</i> Muskatell, Morris, & Sons.	
tomato puree	3138	Muskatell, Morris, & Sons:	
Lake Erie Canning Co.:		salmon, canned	3073
tomato puree and catsup	3119	Musselman, C. H., Co.:	
Lampman, J. T., & Co.:		cherries, canned	3092
rye meal	3016	National Fruit Canning Co.:	
Land O'Lakes Creameries, Inc.:		blackberries, frozen	3082
cheese	3041	National Retailer-Owned Grocers, Inc.:	
Lang, C. H.:		flour	3010
horse and cattle meat	3180	National Tea Co.:	
Langdon Creamery Co.:		tomato catsup	3120
butter	3028	Nelson Canning Co.:	
Lankford, V. S., & Co.:		grape juice	3001
crab meat	3061		

<sup>1</sup> Prosecution contested.



	N. J. No.		N. J. No.
Newell & Truesdell Co.:		Rocky Mountain Packing Corpora-	
tomato catsup and puree-----	3119	tion:	
Nick's Produce Co.:		tomato puree-----	3140
butter-----	3032	Rogol Distributors, Inc.:	
Nomis Corporation:		egg yolk, dried-----	3056
seafood, canned-----	3075	Royal Canning Corporation:	
Norris, Ivy:		tomatoes, canned-----	3114
cane and corn sirup-----	3216	Royale Popcorn Co., Inc.:	
Norris, Wm.:		popcorn-----	3018
cane and corn sirup-----	3216	Rudolf, L., & Co.:	
Northwest Poultry & Dairy Products		eggs, frozen-----	3055
Co.:		Ruff, H. M., & Sons:	
eggs, frozen-----	3054	corn, canned-----	3105
Ocono Co.:		Rutstein, Isadore B.:	
fruit cocktail, canned-----	3096	shell eggs-----	3051
O'Donnell-Usen Fisheries:		Rykoff, S. E., & Co.:	
whiting, frozen-----	3071	tomato catsup-----	3128
Onley, W. T., Canning Co.:		Ryley Wilson Grocer Co.:	
tomatoes, canned-----	3115	tomato catsup-----	3127
Opler, E. & A., Inc.:		Salem County Cannery, Inc.:	
baking chocolate-----	3219	tomato puree-----	3141
Orringer Pickle Co.:		Sansone Food Products Co.:	
sweet relish-----	3158	tomatoes, canned-----	3116
Oswego Jelly Co.:		Sasso, A.:	
jams-----	3150	olive oil-----	3194
Oyster Bay Oyster Co.:		Saunders Mills, Inc.:	
oysters-----	3062	alfalfa meal-----	3023
Packard Flour Mills Co.:		Saxony Mills:	
flour-----	3010	flour-----	3007
Parisian Candy Co.:		Scandia Commercial Co.:	
candy-----	3207	lingon berries-----	3080
Parkin Bros.:		Schloss & Kahn:	
cheese-----	3042	beans-----	3081
Parsons Produce Co.:		Schnackl & Co., Inc.:	
poultry-----	3176	peach and pear tidbits-----	3098
Paulus Bros. Packing Co.:		Scottsburg Canning Co.:	
blackberries, canned-----	3086	tomato catsup-----	3126
Pauly & Pauly Cheese Co.:		Sebring, O. A. <i>See</i> Tyler Candy Co.	
Cheddar cheese-----	3043	Sessions Co., Inc.:	
Pet Milk Sales Corporation:		peanut butter-----	3193
milk, evaporated-----	3049	Shriver, B. F., Co.:	
Pine Bluff Cotton Oil Mill:		corn, canned-----	3106
cottonseed screenings-----	3022	peas, canned-----	3108
Plantation Extract Corporation:		Silzle, E. A., Corporation:	
cocoa-----	3220	grape punch base-----	3002
Producers' Canning Co.:		Sims, W. W.:	
cherries, canned-----	3090	walnut meats-----	3190
Progressive Fillet Co.:		Skinner Manufacturing Co.:	
whiting, frozen-----	3072	noodles-----	3019
Progressive Fish Co.:		South Coast Corporation:	
whiting, frozen-----	3072	sugar-----	3215
Pulis, D. J., Co.:		Southern Butter Co.:	
fruit cocktail, canned-----	3096	butter-----	3033
Pure Food Products, Inc.:		Specialty Candy Co.:	
coconut, shredded-----	3192	candy-----	3208
Pure Sugar Cane Products:		Spencer Packing Co.:	
cane and corn sirup-----	3216	blackberries, canned-----	3087
Quaker Oats Co.:		Sprague, Warner & Co.:	
flour-----	3011, 3012	tomato puree-----	3135
Radcliffe's Soya Products:		Sprinkle, Clarence. <i>See</i> Sprinkle Sea-	
candy-----	3212	food Co.	
Radloff, M. P. E., & Sons:		Sprinkle Seafood Co.:	
Limburger cheese-----	3047	crab meat-----	3058
Railton, B. A., Co.:		Stanard-Tilton Milling Co.:	
tomato catsup-----	3120	flour-----	3013
Rawl, W. P.:		Stanchfield Creamery Co.:	
peaches, canned-----	3094	Cheddar cheese-----	3045
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Creamery Co.		pickles-----	3155
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Riegel, H. K.:		Stanley, J., & Co.:	
cake and pastry flour-----	3005	nuts, mixed-----	3184
Rinaldi, G.:		Star Fish & Oyster Co.:	
tomato paste-----	3146	crab meat-----	3058, 3059
Rinaldi, Soc. Au.:		shrimp, frozen-----	3068
tomato paste-----	3146	Sterling Food Products, Inc.:	
Roch, J. J.:		tomato catsup-----	3120
cheese-----	3044	Sterling Sugar Sales Corporation:	
Roche, W. E., Fruit Co.:		sugar-----	3215
apples-----	3078	Stern Fish Co.:	
Rochester Egg & Poultry Co.:		haddock, frozen-----	3069
poultry-----	3167	Stidd's, Inc.:	
Rockfield Canning Co.:		chicken tamales-----	3021
corn, canned-----	3104		



	N. J. No.		N. J. No.
Stokely Bros. & Co., Inc.:		Vagin Packing Co.:	
tomato products-----	3129, 3130	prunes-----	3163
Stuelpnagel Produce & Storage Co., Inc.:		Val Vita Food Products, Inc.:	
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Sun Distributing Co., Inc.:		Vienna Extract Co.:	
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Suppiger, G. S., Co.:		Vilas & Co.:	
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Swift & Co.:		tomato puree-----	3142
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Tacoma Grocery Co.:		Walton Rice Mill, Inc.:	
tomato catsup-----	3125	rice-----	3017
Tacoma Ice Co.:		Watkins, Warren:	
blackberries, frozen-----	3082	candy-----	3213
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peas, canned-----	3107	poultry-----	3176
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Thompson, W. E., Oyster Co.:		flour-----	3014
crab meat-----	3059	Western Sugar Refinery:	
Tobian, Louis, & Co.:		sugar-----	3215
cottonseed screenings-----	3022	Westfield Planters Cooperative Fruit Products, Inc.:	
Tomlinson, S. V.:		cherries, canned-----	3091
apples, dried-----	3160	Wilson & Co.:	
Torn & Glasser:		butter-----	3026
walnut meats-----	3189	poultry-----	3170-3172
Trappey's, B. F., Sons, Inc.:		Winorr Canning Co.:	
pepper sauce-----	3153	wax beans, canned-----	3100
Travers Bros.:		Wood & Selick, Inc.:	
oysters-----	3064	apricot glaze-----	3209
Tull, H. P., & Co.:		fondant icing-----	3217
tomatoes, canned-----	3117	pepper, black-----	3224
Tyler Candy Co.:		Wylie & Son:	
candy-----	3199	walnut meats-----	3191
Uco Food Corporation:		Yukon Mill & Grain Co.:	
corn, canned-----	3105	flour-----	3015
Uddo-Taormina Corporation:		Zenith-Godley Co.:	
egg plant appetizer-----	3151	butter-----	3028
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Udell, Jacob:		butter-----	3027
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FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG,  
AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

3226-3425

FOODS

The cases reported herewith were instituted in the United States District Courts by the United States attorneys acting upon reports submitted by direction of the Federal Security Administrator.

WATSON B. MILLER, *Acting Administrator, Federal Security Agency.*  
WASHINGTON, D. C., October 23, 1942.

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BEVERAGES AND BEVERAGE MATERIALS

**3226. Adulteration of grape juice. U. S. v. 200 Cases of Grape Juice. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 6663. Sample No. 73486-E.)**

Examination showed that this product contained added water.

On January 6, 1942, the United States attorney for the Western District of Oklahoma filed a libel against 200 cases, each containing 12 bottles, of grape juice at El Reno, Okla., alleging that the article had been shipped in interstate commerce on or about November 11, 1941, by El Reno Wholesale Grocery Co. from Springdale, Ark.; and charging that it was adulterated. It was labeled in part: “Contents One Quart Steele’s Pure Concord Grape Juice Packed For Steele Canning Co. Springdale Ark.”

The article was alleged to be adulterated in that water had been substituted in part for grape juice; and in that water had been added thereto so as to increase



its bulk or weight, reduce its quality or strength, or make it appear better or of greater value than it was.

On March 21, 1942, Steele Canning Co., claimant, having admitted the allegations of the libel, judgement of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

**3227. Adulteration and misbranding of imitation fruit juices. U. S. v. 4 Cases of Imitation Fruit Juices. Default decree of destruction. (F. D. C. No. 6725. Sample No. 17366-E.)**

Examination showed that these products contained mold; and that they consisted of sweetened water, artificially flavored and colored to simulate the flavor and color of cherry, lime, grape, and orange juices. Little or no fruit juice was found.

On January 24, 1942, the United States attorney for the District of Utah filed a libel against 4 cases, each containing 20 cartons of 120 bottles each, of imitation fruit juices at Salt Lake City, Utah, alleging that the articles had been shipped in interstate commerce on or about September 19, 1941, by Texas Wax Goods Co. from Fort Worth, Tex.; and charging that they were adulterated and misbranded. They were labeled in part: (Display card enclosed in wholesale carton) "1¢ Nip and Chew Imitation Fruit-Juices Cherry Lime Grape Orange."

The articles were alleged to be adulterated in that they consisted in whole or in part of decomposed substances.

They were alleged to be misbranded (1) in that the prominent designation "Fruit-Juices Cherry Lime Grape Orange" was false and misleading as applied to imitation cherry, imitation lime, imitation grape, and imitation orange juices, and was not corrected by the inconspicuous word "Imitation" appearing on the label; and (2) in that they were imitations of other foods and their labels failed to bear, in type of uniform size and prominence, the word "imitation" and immediately thereafter the name of the food imitated.

On March 7, 1942, no claimant having appeared, judgment was entered ordering that the products be destroyed.

## CEREAL PRODUCTS

### FLOUR

**3228. Adulteration of cake and pastry flour. U. S. v. 50 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 6716. Sample No. 84235-E.)**

This product contained rodent excreta, rodent hairs, and insect fragments.

On January 15, 1942, the United States attorney for the Eastern District of New York filed a libel against 50 bags of flour at Long Island City, N. Y., alleging that the article had been shipped in interstate commerce on or about December 19 and 26, 1941, by the Durham Valley Mills from Durham, Pa.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: (Tag) "Colonial Country Maid Cake and Pastry Flour."

On April 10, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3229. Adulteration of rye flour, rye meal, and buckwheat flour. U. S. v. 35 Bags of Rye Flour (and 5 additional seizure actions against similar products). Default decrees of condemnation. Portions of products ordered distributed to Federal correctional institutions for use as hog feed; remainder ordered sold to foundries for technical use. (F. D. C. Nos. 6058, 6277, 6295, 6678, 6695, 6785. Sample Nos. 74060-E, 74880-E, 74889-E, 84846-E, 84850-E, 84864-E.)**

The buckwheat flour, buckwheat and wheat flour, and rye meal contained one or more of various kinds of filth such as rodent hairs, insect fragments, or rodent excreta. The rye flour had been stored under insanitary conditions and was contaminated by rodent filth.

Between October 30, 1941, and January 30, 1942, the United States attorney for the District of Connecticut filed libels against 35 98-pound bags of flour at Hartford, 14 98-pound bags of rye meal at New Haven, 13 98-pound bags of rye meal at Bridgeport, 4 125-pound bags of buckwheat and wheat flour and 21 100-pound bags of buckwheat flour at Milford, and 7 125-pound sacks of buckwheat flour at Waterbury, Conn., alleging that the articles had been shipped in interstate commerce within the period from on or about April 22, 1941, to on or



about January 12, 1942, by J. T. Lampman & Co. from Claverack, N. Y.; and charging that they were adulterated. Portions were labeled in part: (Bags) "Pure White Patent Imperial Rye Flour," or "Red Mills Fancy Rye Meal." Other portions were unlabeled.

One lot of the rye flour was alleged to be adulterated in that it had been held under insanitary conditions whereby it might have become contaminated with filth. The remaining products were alleged to be adulterated in that they consisted in whole or in part of filthy substances.

On December 19, 1941, April 27, 28, 29, and May 4, 1942, no claimant having appeared, judgments of condemnation were entered and it was ordered that the rye flour and meal be distributed to Federal correctional institutions for use as hog feed and that the remaining products be sold to foundries for technical use.

**Nos. 3230 to 3237** report the seizure and disposition of flour that had been shipped in interstate commerce and was in interstate commerce at the time of examination, at which time it was found to be insect-infested. In most instances the time of infestation was not determined.

**3230. Adulteration of flour. U. S. v. 83 Bags of Flour. Default decree of condemnation and destruction.** (F. D. C. No. 6100. Sample No. 49632-E.)

On October 28, 1941, the United States attorney for the Eastern District of Louisiana filed a libel against 83 98-pound bags of flour at New Iberia, La., alleging that the article had been shipped in interstate commerce on or about September 8, 1941, by the Alva Roller Mills from Alva, Okla.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Honey Bee Flour."

On April 10, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3231. Adulteration of flour. U. S. v. 61 Sacks of Flour. Consent decree of condemnation. Product ordered released under bond for denaturing.** (F. D. C. No. 5946. Sample No. 35805-E.)

On October 6, 1941, the United States attorney for the Western District of Louisiana filed a libel against 61 48-pound sacks of flour at Monroe, La., alleging that the article had been shipped in interstate commerce on or about June 7 and July 2, 1941, by Burrus Mill & Elevator Co. from Fort Worth, Tex.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance.

On March 31, 1942, Ritchie Grocer Co., Ltd., Monroe, La., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be brought into compliance with the law under the supervision of the Food and Drug Administration. It was denatured and disposed of for industrial use.

**3232. Adulteration of flour. U. S. v. 518 Bags of Flour. Consent decree of condemnation. Product ordered released under bond for denaturing.** (F. D. C. No. 5934. Sample Nos. 35806-E, 35807-E, 35808-E.)

On October 6, 1941, the United States attorney for the Western District of Louisiana filed a libel against 322 10-pound bags, 108 48-pound bags, and 88 20-pound bags of flour at Monroe, La., alleging that the article had been shipped in interstate commerce within the period from on or about February 8 to on or about September 12, 1941, by General Mills, Inc., from Wichita Falls, Tex.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. It was labeled in part: "Fancy Patent Pure Gold Flour"; "Express Bleached Self-Rising Flour"; or "Express Flour."

On March 31, 1942, Ritchie Grocer Co., Ltd., Monroe, La., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be brought into compliance with the law under the supervision of the Food and Drug Administration. It was denatured and disposed of for industrial use.

**3233. Adulteration of flour. U. S. v. 375 Sacks of Flour. Consent decree of condemnation. Product ordered released under bond to be denatured.** (F. D. C. No. 6261. Sample No. 61178-E.)

On or about November 19, 1941, the United States attorney for the Western District of Washington filed a libel against 375 49-pound sacks of flour at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about May 14, 1941, by Montana Flour Mills Co. from Bozeman, Mont.; and charging that it was adulterated in that it consisted in whole or in part



of a filthy substance. The article was labeled in part: "Ceretana Flour Bleached."

On January 9, 1942, the Washington Co-Operative Egg & Poultry Association, Seattle, Wash., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be converted into animal feed under the supervision of the Food and Drug Administration.

**3234. Adulteration of flour. U. S. v. 59 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 5951. Sample No. 53741-E.)**

On October 8, 1941, the United States attorney for the District of Arizona filed a libel against 59 48-pound bags of flour at Winslow, Ariz., alleging that the article had been shipped in interstate commerce on or about June 12, 1941, by Sperry Flour Co. from Ogden, Utah; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Sperry Drifted Snow Enriched Flour."

On February 27, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3235. Adulteration of flour. U. S. v. 10 Bags, 22 Bags, 45 Bags, and 14 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 6539. Sample No. 67507-E.)**

On December 17, 1941, the United States attorney for the Eastern District of Missouri filed a libel against 10 48-pound bags, 45 24-pound bags, 22 10-pound bags, and 14 5-pound bags of flour at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about December 1, 1941, by Washburn Crosby Co. from Madison, Ill.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Bags) "Washburn's Gold Medal \* \* \* Flour."

On February 11, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3236. Adulteration of flour. U. S. v. 23 Bags, 131 Bags, 224 Bags, 68 Bags, 123 Bags, and 70 Bags of Flour. Consent decree of condemnation. Product ordered released under bond for segregation and denaturing or destruction of unfit portion. (F. D. C. No. 5784. Sample Nos. 67468-E and 67469-E.)**

On September 20, 1941, United States attorney for the Eastern District of Arkansas filed a libel against 639 bags of flour at Blytheville, Ark., alleging that the article had been shipped in interstate commerce on or about March 29, May 13, and July 5, 1941, by the Wilson Flour Mills from Wilson, Kans.; and charging that it was adulterated in that it consisted in whole and/or in part of a filthy, putrid, decomposed substance and was otherwise unfit for food. It was labeled in part: "Bleached [or "Self-Rising"] Old Trail Flour."

On February 24, 1942, A. S. Barboro & Co., Blytheville, Ark., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that the good portion be segregated from the bad and the latter denatured or destroyed, all under the supervision of the Federal Security Agency.

**3237. Adulteration of pastry flour. U. S. v. 10 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 6858. Sample No. 90311-E.)**

On February 13, 1942, the United States attorney for the District of Massachusetts filed a libel against 10 98-pound bags of flour at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about August 5, 1941, by Collins Flour Mills, Inc., from Portland, Oreg.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Igleheart's Pastry Flour \* \* \* Packed for Igleheart Brothers Incorporated Evansville, Indiana."

On April 21, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

#### MISCELLANEOUS

**3238. Adulteration of corn meal. U. S. v. 38 Bags, 200 Bags, and 215 Bags of Corn Meal. Decrees of condemnation. Portion of product ordered released under bond to be denatured; remainder ordered destroyed. (F. D. C. Nos. 6598, 6832. Sample Nos. 37597-E, 82031-E, 82032-E.)**

Examination showed that this product was contaminated with filth, such as insect fragments, rodent excreta fragments, and rodent hair fragments.



On December 27, 1941, and February 9, 1942, the United States attorney for the Southern District of Georgia filed libels against 453 96-pound bags of corn meal at Savannah, Ga., alleging that the article had been shipped in interstate commerce on or about December 10, 1941, and January 27 and 29, 1942, by the Bishopville Milling Co. from Bishopville, S. C.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Pee Dee Unbolted Corn Meal."

On January 29, 1942, no claimant having appeared for the corn meal shipped on or about December 10, 1941, judgment of condemnation was entered and the product was ordered destroyed. On March 6, 1942, Bishopville Milling Co., claimant for the corn meal shipped on or about January 27 and 29, 1942, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be denatured under the supervision of the Food and Drug Administration.

**3239. Adulteration of cookies. U. S. v. 11 Cases, 7 Cases, 6 Cases, and 17 Cases of Cookies. Default decrees of condemnation and destruction. (F. D. C. Nos. 6997, 7048. Sample Nos. 74761-E to 74763-E, incl., 89064-E.)**

Examination showed that this product was contaminated with filth, such as rodent hair fragments, hairs resembling cat hairs, and metal fragments.

On March 9 and 18, 1942, the United States attorney for the District of New Jersey filed libels against 24 cases of cookies at Paterson, N. J., and 17 cases of cookies at West New York, N. J., alleging that the article had been shipped in interstate commerce on or about February 6 and 18, 1942, by Consumers Biscuit Co., Inc., from New York, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Raisin [or "Sugar"] Cookies," "Iced Spiced Jumbles," or "Fig Bars."

On April 23, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

### FEED

**3240. Misbranding of mixed feed. U. S. v. Ada Milling Co. Plea of guilty. Fine, \$50. (F. D. C. No. 5546. Sample No. 17344-E.)**

This product contained less crude protein and crude fat and more crude fiber than the amounts declared.

On December 31, 1941, the United States attorney for the Eastern District of Oklahoma filed an information against the Ada Milling Co., a corporation, Ada, Okla., alleging shipment on or about March 31, 1941 from the State of Oklahoma into the State of Texas of a quantity of mixed feed that was misbranded. The article was labeled in part: "100 Lbs. (Net) Full-Fodder Brand Mixed Feed."

It was alleged to be misbranded in that the statements "Guaranteed Analysis: Crude Protein, not less than 11.00%; Crude Fat, not less than 2.50%; Crude Fiber, not more than 14.00%," displayed on the tag, were false and misleading since it contained not more than 5.53 percent of crude protein, not more than 1 percent of crude fat, and not less than 22.04 percent of crude fiber.

On May 4, 1942, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$50.

**3241. Misbranding of cottonseed cake. U. S. v. Traders Oil Mill Co. Plea of guilty. Fine, \$75. (F. D. C. No. 5544. Sample Nos. 25367-E, 25368-E.)**

Analysis showed that this product was deficient in protein.

On March 26, 1942, the United States attorney for the Northern District of Texas filed an information against Traders Oil Mill Co., a corporation, Fort Worth, Tex., alleging shipment in interstate commerce on or about January 12, 1941, from the State of Texas into the State of Kansas of a quantity of the above-named product which was misbranded. The article was labeled in part: (Tag) "Wesco Brand Prime Cottonseed Meal or Cake 100 Pounds Net \* \* \* Western Feeders Supply Co."

It was alleged to be misbranded in that the statement "Protein, not less than 43%," appearing on the tag, was false and misleading since it contained less than 43 percent, namely, not more than 40.56 percent of protein.

On March 26, 1942, a plea of guilty was entered on behalf of the defendant and a fine of \$75 was imposed by the court.



**3242. Misbranding of alfalfa leaf meal. U. S. v. 237 Sacks of Alfalfa Leaf Meal. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 6869. Sample No. 4666-D.)**

Examination showed that this product contained less protein and more fiber and ash than the amounts declared on the label.

On February 14, 1942, the United States attorney for the Western District of Wisconsin filed a libel against 237 100-pound sacks of alfalfa leaf meal at Blair, Wis., alleging that the article had been shipped in interstate commerce on or about December 1, 1941, by Northrup, King Co. from Minneapolis, Minn.; and charging that it was misbranded. It was labeled in part: (Tag) "Peevee Alfalfa Leaf Meal \* \* \* Made By Pecos Valley Alfalfa Mill Co. Chandler, Arizona."

The article was alleged to be misbranded in that the statement "Protein . . . 20% \* \* \* Fibre . . . 18% \* \* \* Ash, not more than . . . 12%" was false and misleading as applied to an article that contained less protein and more fiber and ash than was stated in the labeling.

On March 24, 1942, Pecos Valley Alfalfa Milling Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

## DAIRY PRODUCTS

### BUTTER

**Nos. 3243 to 3248** report the seizure and disposition of butter that contained mold.

**3243. Adulteration of butter. U. S. v. 17 Boxes and 3 Tubs of Butter. Default decree of condemnation and destruction. (F. D. C. No. 6381. Sample Nos. 54160-E, 54161-E.)**

On November 22, 1941, the United States attorney for the Middle District of Pennsylvania filed a libel against 17 30-pound boxes and 3 63-pound tubs of butter at Wilkes-Barre, Pa., alleging that the article had been shipped in interstate commerce on or about November 6, 1941, by the Beatrice Creamery Co. from Galesburg, Ill.; and charging that it was adulterated in that it consisted in whole or in part of a filthy or decomposed animal substance. A portion of the article was labeled in part: (Rolls in 17 boxes) "Red Clover Brand Butter, 1 lb. Net Roll." The tubs were unlabeled.

On April 8, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. Subsequently the butter was sold by the United States marshal for rendering purposes.

**3244. Adulteration of butter. U. S. v. 72 Cubes and 33 Cubes of Butter. Consent decree of condemnation. Product ordered released under bond to be reconditioned. (F. D. C. No. 6967. Sample No. 23884-E.)**

On March 4, 1942, the United States attorney for the Northern District of California filed a libel against 105 cubes, each containing 68 pounds, of butter at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about June 9, 1941, by Farmers Equity Co-op Creamery from Denver, Colo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance or was otherwise unfit for food.

On March 4, 1942, Swift & Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be reconditioned. Subsequently the butter was disposed of for use in the manufacture of soap.

**3245. Adulteration of butter. U. S. v. 88 Tubs of Butter. Consent decree of condemnation. Product ordered released under bond to be converted into soap stock. (F. D. C. No. 5861. Sample No. 56960-E.)**

On September 10, 1941, the United States attorney for the Southern District of New York filed a libel against 88 63-pound tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about September 1, 1941, by Roanoke Dairy & Ice Cream Co., Inc., from Roanoke Va.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance.

On October 9, 1941, Roanoke Dairy & Ice Cream Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and



the product was ordered released under bond conditioned that it be rendered immediately or denatured into soap stock under the supervision of the Food and Drug Administration.

**3246. Adulteration of butter. U. S. v. 200 Cases of Butter. Consent decree of condemnation. Product ordered released under bond to be converted into refined butter oil.** (F. D. C. No. 7102. Sample No. 87853-E.)

On March 10, 1942, the United States attorney for the District of Maryland filed a libel against 200 cases containing a total of 6,385 pounds of butter at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about March 3, 1942, by the Wm. Schluderberg-T. J. Kurdle Co. from Baltimore, Md., to the Commissary, Fort Eustis, Va., and that subsequently it had been returned; and charging that it was adulterated in that it consisted in whole or in part of a filthy or decomposed animal substance. A portion of the article was labeled in part: (Cartons) "Esskay Quality Food Products"; (wrappers) "Meramec Farms Brand Country Style Butter."

On March 27, 1942, Sugar Creek Creamery Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be converted into refined butter oil under the supervision of the Food and Drug Administration.

**3247. Adulteration of butter. U. S. v. 117 Cartons of Butter. Consent decree of condemnation. Product ordered released under bond to be converted into refined butter oil.** (F. D. C. No. 7101. Sample No. 1031-E.)

On March 10, 1942, the United States attorney for the District of Maryland filed a libel against 117 cartons containing a total of 3,725 pounds of butter at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about January 10, 1942, by Sugar Creek Creamery Co. from Louisville, Ky.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed animal substance. The article was labeled in part: (Wrappers) "Meramec Farms Brand Country Style Butter."

On March 10, 1942, Sugar Creek Creamery Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be converted into refined butter oil under the supervision of the Food and Drug Administration.

**3248. Adulteration of butter. U. S. v. 40 Tubs of Butter. Default decree of condemnation and destruction. Decree amended to permit manufacturing product into butter oil.** (F. D. C. No. 5718. Sample No. 57703-E.)

Samples of this product were found to be decomposed and other samples were found to be deficient in milk fat.

On or about August 18, 1941, the United States attorney for the Western District of Arkansas filed a libel against 40 tubs of butter at Fort Smith, Ark., alleging that the article had been shipped in interstate commerce on or about June 1 and 16 and July 7, 1941, by Tahlequah Ice, Ice Cream & Bottling Co. from Tahlequah, Okla.; and charging that it was adulterated. It was labeled in part: "Creamery Butter The Peter Fox Sons Co. Distributors Chicago Ill."

A portion was alleged to be adulterated in that it consisted wholly or in part of a filthy, putrid, and decomposed substance. The remainder was alleged to be adulterated in that a valuable constituent, milk fat, had been in whole or in part omitted or abstracted therefrom.

On February 13, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. On February 20, 1942, on petition of the Tahlequah Ice, Ice Cream & Bottling Co., an order was entered amending the decree to permit release of the product under bond for reprocessing and reconditioning under the supervision of the Food and Drug Administration. The product was converted into butter oil.

Nos. 3249 to 3257 report actions based on interstate shipments of butter that was deficient in milk fat.

**3249. Adulteration of butter. U. S. v. Axel E. Borglum, John A. Knudsen, and Edwin Knudsen (Center Milk Products Co.). Plea of guilty. Fine, \$100 and costs.** (F. D. C. No. 5551. Sample No. 62212-E.)

On December 31, 1941, the United States attorney for the Western District of Missouri filed an information against Axel E. Borglum, John A. Knudsen, and Edwin Knudsen, copartners trading as Center Milk Products Co., Maryville, Mo., alleging shipment in interstate commerce on or about April 28, 1941,



from the State of Missouri into the State of Illinois of a quantity of butter which was adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom; and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter. It was labeled in part: "Creamery Butter The Peter Fox Sons Co. Distributors \* \* \* Chicago, Ill."

On February 16, 1942, a plea of guilty was entered and the court imposed a fine of \$100 and costs.

**3250. Adulteration of butter. U. S. v. Cloverleaf Creameries, Inc. Plea of nolo contendere. Fines totaling \$150. (F. D. C. No. 6414. Sample Nos. 29729-E, 42423-E, 42577-E.)**

On April 1, 1942, the United States attorney for the Northern District of Indiana filed an information against Cloverleaf Creameries, Inc., Decatur, Ind., alleging shipment on or about May 26, June 1, and July 25, 1941, from the State of Indiana into the States of Pennsylvania and Ohio, of quantities of butter that was adulterated in that a valuable constituent, milk fat, had been in part omitted or abstracted therefrom, and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter. Portions of the article were labeled in part: (Rolls) "Country Roll Butter \* \* \* Wilson & Co. Distributors \* \* \* Chicago, Ill."; or "Country Roll Style Silverbrook Creamery Butter \* \* \* The Great Atlantic & Pacific Tea Co. New York, N. Y., Distributors." The remainder was unlabeled.

On April 17, 1942, a plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$50 on each count, totaling \$150, and costs.

**3251. Adulteration of butter. U. S. v. Gwinner Co-operative Creamery. Plea of guilty. Fine, \$25. (F. D. C. No. 6419. Sample No. 46373-E.)**

On March 7, 1942, the United States attorney for the District of North Dakota filed an information against Gwinner Co-operative Creamery, a corporation at Gwinner, N. Dak., alleging shipment on or about June 9, 1941, from the State of North Dakota into the State of New York of a quantity of butter that was adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom, and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: "Distributors Zenith-Godley Co. N. Y."

On April 8, 1942, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$25 and costs.

**3252. Adulteration of butter. U. S. v. Hannover Creamery Association. Plea of guilty. Fine, \$50. (F. D. C. No. 5548. Sample Nos. 54115-E, 54119-E.)**

On January 3, 1942, the United States attorney for the District of North Dakota filed an information against the Hannover Creamery Association, a corporation, Hannover, N. Dak., alleging shipment on or about May 29 and June 6, 1941, from the State of North Dakota into the State of Pennsylvania, of quantities of butter which was adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom; and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter. A portion was labeled in part: "Frank Hellerick Co., Inc. 3515 Phila Pa 64 Lbs Net."

On February 2, 1942, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$50.

**3253. Adulteration of butter. U. S. v. Heatwole Cooperative Creamery Association. Plea of guilty. Fine, \$25. (F. D. C. No. 6420. Sample No. 56914-E.)**

On April 13, 1942, the United States attorney for the District of Minnesota filed an information against Heatwole Cooperative Creamery Association, a corporation at Heatwole, Minn., alleging shipment on or about June 10, 1941, from the State of Minnesota into the State of New York of a quantity of butter that was adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom, and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: "Distributors Zenith-Godley Co. N. Y. \* \* \* Cremoland Sweet Cream Butter A Product Of Farmers' Cooperative Creameries."

On April 13, 1942, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$25.



**3254. Adulteration of butter. U. S. v. Arthur J. Johnson, and Gunuf Gunstenson (Kelliher Creamery Co.). Plea of guilty. Fine, \$25. (F. D. C. No. 5566. Sample No. 46372-E.)**

On May 5, 1942, the United States attorney for the District of Minnesota filed an information against Arthur J. Johnson and Gunuf Gunstenson, copartners, trading as Kelliher Creamery Co., Kelliher, Minn., alleging delivery for introduction into interstate commerce on or about June 13, 1941, from the State of Minnesota into the State of New York of a quantity of butter which was adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom; and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter. It was labeled in part: "Butter Distributed By Hunter, Walton & Co. 2336, New York, N. Y."

On May 5, 1942, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$25.

**3255. Adulteration of butter. U. S. v. New Auburn Creamery Association. Plea of guilty. Fine, \$15. (F. D. C. No. 6428. Sample No. 56913-E.)**

On April 30, 1942, the United States attorney for the District of Minnesota filed an information against the New Auburn Creamery Association, a corporation, New Auburn, Minn., alleging shipment on or about June 11, 1941, from the State of Minnesota into the State of New York of a quantity of butter that was adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom, and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On April 30, 1942, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$15.

**3256. Adulteration of butter. U. S. v. Ramus C. Sorensen (Walhalla Producers Creamery Co.). Plea of guilty. Fine, \$25. (F. D. C. No. 6431. Sample No. 69545-E.)**

On March 24, 1942, the United States attorney for the District of North Dakota filed an information against Ramus C. Sorensen, trading as Walhalla Producers Creamery Co. at Walhalla, N. Dak., alleging shipment on or about June 3, 1941, from the State of North Dakota into the State of New York of a quantity of butter that was adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom, and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: "Breakstone Bros. Inc. Distributors New York NY \* \* \* No West Dairy Forward. Co. Carlton Minn."

On April 23, 1942, the defendant having entered a plea of guilty, the court imposed a fine of \$25 and costs.

**3257. Adulteration of butter. U. S. v. 16 Tubs and 15 Cubes of Butter. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 6667. Sample Nos. 38397-E, 38378-E.)**

On or about December 3, 1941, the United States attorney for the Northern District of Iowa filed a libel against 16 tubs and 15 cubes of butter at Sioux City, Iowa, alleging that the article had been shipped in interstate commerce on or about December 3 and 4, 1941, in part by the Verdigre Creamery Co. from Verdigre, Nebr., and in part by the Atkinson Cooperative Creamery Association from Atkinson, Nebr.; and charging that it was adulterated in that a valuable constituent, milk fat, had been in whole or in part omitted or extracted therefrom; and in that a product containing less than 80 percent by weight of milk fat had been substituted wholly or in part for butter.

On January 6, 1942, the Verdigre Creamery Co. and the Atkinson Cooperative Creamery Association, claimants for respective portions of the article, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be brought up to the legal standard under the supervision of the Food and Drug Administration.

**3258. Misbranding of butter. U. S. v. 15 Cases of Butter. Default decree of condemnation. Product ordered delivered to a Federal agency. (F. D. C. No. 6669. Sample No. 85582-E.)**

This product was short weight.

On December 18, 1941, the United States attorney for the Western District of Washington filed a libel against 15 cases of butter at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about September 12, 1941, by Swift & Co. from Portland, Oreg.; and charging that it was misbranded



in that the prints did not contain "One Pound Net Weight," as labeled. The article was labeled in part: "Swift's Brookfield Butter."

On March 28, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a Federal agency.

#### CHEESE

**3259. Adulteration of Cheddar cheese. U. S. v. 20 Cheeses and 9 Cheeses. Default decree of condemnation and destruction. (F. D. C. Nos. 7039, 7040. Sample Nos. 92248-E, 92249-E.)**

Examination showed that this product contained fragments of glass.

On March 13, 1942, the United States attorney for the Southern District of California filed a libel against 29 cheeses at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about January 27, 1942, by Western Creamery Co. from Salt Lake City, Utah; and charging that it was adulterated in that it contained an added deleterious substance, namely, glass, which might have rendered it injurious to health. It was labeled in part: "Koosharem \* \* \* Whole Milk Cheddar Cheese."

On April 14, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3260. Adulteration of Cheddar cheese. U. S. v. 22 Boxes of Cheese. Decree of condemnation and destruction. (F. D. C. No. 6859. Sample No. 85256-E.)**

This product was contaminated with hairs resembling those of rodents.

On February 13, 1942, the United States attorney for the Eastern District of Washington filed a libel against 22 boxes of cheese at Spokane, Wash., alleging that the article had been shipped in interstate commerce on or about January 26, 1942, by Gold Medal Dairies, Inc., from Grantsdale, Mont.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On April 2, 1942, the sole intervenor having withdrawn its claim, judgment of condemnation was entered and the product was ordered destroyed.

**3261. Adulteration of Cheddar cheese. U. S. v. 191 Cases of Cheddar Cheese. Consent decree ordering that unfit portion be condemned and destroyed and that claimant file bond to insure such disposition of product. (F. D. C. No. 5944. Sample No. 65782-E.)**

This product contained insect fragments and feather barbules.

On October 3, 1941, the United States attorney for the District of Idaho filed a libel against 191 cases of Cheddar cheese at Pocatello, Idaho, alleging that the article had been shipped in interstate commerce on or about September 11, 1941, by the Brooklawn Creamery Co. from Salt Lake City, Utah; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On March 10, 1942, the Brooklawn Creamery Co. having consented to the entry of a decree and the court having found that a portion of the product was not subject to condemnation, judgment was entered condemning the unfit and ordering it destroyed and ordering further that all be released under bond for segregation of the fit portion from the unfit portion.

**3262. Adulteration of Cheddar cheese. U. S. v. 149 Boxes of Cheddar Cheese. Default decree of condemnation and destruction. (F. D. C. No. 5983. Sample No. 65784-E.)**

This product contained insect fragments and feather barbules.

On October 6, 1941, the United States attorney for the District of Idaho filed a libel against 149 boxes of Cheddar cheese at Pocatello, Idaho, alleging that the article had been shipped in interstate commerce on or about September 18, 1941, by Calder Bros. Co. from Vernal, Utah; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance, and that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On March 12, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3263. Adulteration of Cheddar cheese. U. S. v. 550 Boxes of Cheddar Cheese. Consent decree of condemnation. Product released under bond for salvaging. (F. D. C. No. 7020. Sample Nos. 86703-E, 86920-E.)**

Examination showed that this product contained rodent hairs and insect fragments.



On or about March 25, 1942, the United States attorney for the Northern District of Illinois filed a libel against 550 boxes of Cheddar cheese at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about January 15, 1942, by Al Hansen from Green Bay, Wis.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On May 28, 1942, C. E. Zuercher & Co., Chicago, Ill., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for salvaging under the supervision of the Food and Drug Administration. The unfit portion was segregated and denatured.

**3264. Adulteration of Cheddar cheese. U. S. v. 5 Daisies of Cheddar Cheese. Default decree of condemnation and destruction. (F. D. C. No. 6593. Sample No. 83185-E.)**

This product contained insect fragments and excreta.

On January 14, 1942, the United States attorney for the Western District of Louisiana filed a libel against 5 daisies of Cheddar cheese at Monroe, La., alleging that the article had been shipped in interstate commerce on or about November 27, 1941, by the Kraft Cheese Co. from Rusk, Tex.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance; and in that it had been prepared, packed, or held under insanitary conditions whereby it might have become contaminated with filth. It was labeled in part: (Case) "Elk-horn Brand Whole Milk Cheese \* \* \* No. 1 Selected Cheddar Cheese 1 Daisy Net Weight 22¼."

On April 6, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3265. Adulteration of Cheddar cheese. U. S. v. 87 Boxes of Cheddar Cheese. Default decrees of condemnation and destruction. (F. D. C. No. 5903. Sample No. 65781-E.)**

This product contained feather barbules, rodent pellets, rodent hairs, and tooth markings similiar to those made by mice.

On October 2, 1941, the United States attorney for the District of Idaho filed a libel against 87 boxes of Cheddar cheese at Pocatello, Idaho, alleging that the article had been shipped in interstate commerce on or about August 29 and September 3 and 9, 1941, by the Mutual Creamery Co. from Laketown, Utah; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On March 10, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3266. Adulteration and misbranding of Cheddar cheese. U. S. v. 40 Boxes of Cheddar Cheese. Consent decree of condemnation. Product ordered released under bond to be reconditioned. (F. D. C. No. 6604. Sample No. 76604-E.)**

This product fell below the standard of identity for Cheddar cheese because it contained more than 39 percent of moisture.

On December 26, 1941, the United States attorney for the Northern District of Iowa filed a libel against 40 boxes each containing 4 longhorns of cheese at Sioux City, Iowa, alleging that the article had been shipped in interstate commerce on or about November 10, 17, and 24, and December 1, 1941, by Sunny Side State Cheese Co. [Sunny State Cheese Co.] from Mitchell, S. Dak.; and charging that it was adulterated and misbranded. It was labeled in part: (Stamped on each longhorn) "Countryside Fancy Cheddar Full Cream Cheese."

The article was alleged to be adulterated in that a substance, water, had been substituted wholly or in part therefor.

It was alleged to be misbranded in that it purported to be a food for which a definition and standard of identity had been prescribed by regulations as provided by law, but it did not conform to such definition and standard since it contained more than 39 percent moisture, namely, an average of 41.24 percent.

On January 16, 1942, Sunny State Cheese Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reprocessed under the supervision of the Food and Drug Administration so as to comply with the law.



**3267. Adulteration of Feta cheese. U. S. v. 21 Kegs and 54 Kegs of Feta Cheese. Default decree of condemnation and destruction. (F. D. C. No. 7022. Sample No. 86924-E.)**

This product was a white cheese resembling cottage cheese. Examination showed that it contained rodent hairs, human hairs, and insect fragments.

On or about March 26, 1942, the United States attorney for the Northern District of Illinois filed a libel against 75 kegs of Feta cheese at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about February 4, 1942, by Rocky Mountain Cheese Co. from Trinidad, Colo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On May 28, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**CREAM**

**3268. Adulteration of cream. U. S. v. 2 10-Gallon Cans, 1 8-Gallon Can, and 1 5-Gallon Can of Cream. Consent decree of condemnation and destruction. (F. D. C. No. 7178. Sample No. 81598-E.)**

On March 20, 1942, the United States attorney for the District of Colorado filed a libel against 2 10-gallon cans, 1 8-gallon can, and 1 5-gallon can of cream at Denver, Colo., alleging that the article had been shipped in interstate commerce on or about March 16 and 17, 1942, by various shippers as follows: Clyde Adams, St. Francis, Kans.; H. C. Olsen (or Olson), Kimball, Nebr.; R. L. Bartell, Winona, Kans.; and O. H. Baylon, Hickok, Kans.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, and decomposed animal substance.

On March 20, 1942, the consignee having admitted the allegations of the libel and having consented to the entry of an order for the immediate destruction of the product, a decree was entered accordingly.

**3269. Adulteration of cream. U. S. v. 1 Can and 1 Can of Cream. Consent decree of condemnation and destruction. (F. D. C. No. 7179. Sample No. 81599-E.)**

On March 23, 1942, the United States attorney for the District of Colorado filed a libel against 1 8-gallon can and 1 5-gallon can of cream at Denver, Colo., alleging that the article had been shipped in interstate commerce on or about March 18, 1942, by Cornelius P. Doerksen from Satanta, Kans., and Bert Knepper from Oshkosh, Nebr.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, and decomposed animal substance.

On March 23, 1942, the consignee having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

**3270. Adulteration of cream. U. S. v. 1 Can of Cream. Consent decree of condemnation and destruction. (F. D. C. No. 7181. Sample No. 81754-E.)**

On March 23, 1942, the United States attorney for the District of Colorado filed a libel against 1 8-gallon can of cream at Denver, Colo., alleging that the article had been shipped in interstate commerce on March 17, 1942, by Mrs. Carl Foland from Almena, Kans.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, and decomposed substance.

On March 23, 1942, the consignee having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered destroyed.

**3271. Adulteration of cream. U. S. v. 1 Can of Cream. Consent decree of destruction. (F. D. C. No. 7182. Sample No. 81756-E.)**

On March 23, 1942, the United States attorney for the District of Colorado filed a libel against 1 10-gallon can of cream at Denver, Colo., alleging that the article had been shipped in interstate commerce on March 18, 1942, by Harry W. Gould from Ogallala, Nebr.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, and decomposed animal substance.

On March 23, 1942, the consignee having consented to immediate destruction of the cream, judgment was entered ordering that the product be destroyed.

**3272. Adulteration of cream. U. S. v. 1 Can of Cream. Consent decree of destruction. (F. D. C. No. 7176. Sample No. 81263-E.)**

On March 23, 1942, the United States attorney for the District of Colorado filed a libel against 1 5-gallon can of cream at Denver, Colo., alleging that the article had been shipped in interstate commerce on or about March 19, 1942, by Sam Greenwald from Lingle, Wyo.; and charging that it was adulterated



in that it consisted in whole or in part of a filthy, putrid, or decomposed animal substance.

On March 23, 1942, the consignee having consented to immediate destruction of the cream, judgment was entered ordering that the product be destroyed.

**3273. Adulteration of cream. U. S. v. 1 Can of Cream. Consent decree of condemnation and destruction. (F. D. C. No. 7186. Sample No. 81600-E.)**

On March 24, 1942, the United States attorney for the District of Colorado filed a libel against 1 8-gallon can of cream at Denver, Colo., alleging that the article had been shipped in interstate commerce on or about March 19, 1942, by Geo. Knapp from Selden, Kans.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, and decomposed animal substance.

On March 24, 1942, the consignee having consented to the entry of a decree for the immediate destruction of the cream, judgment of condemnation was entered and the product was ordered destroyed.

**3274. Adulteration of cream. U. S. v. 1 Can of Cream. Consent decree of condemnation and destruction. (F. D. C. No. 7183. Sample No. 81757-E.)**

On March 23, 1942, the United States attorney for the District of Colorado filed a libel against 1 5-gallon can of cream at Denver, Colo., alleging that the article had been shipped in interstate commerce on March 19, 1942, by Alvie Scheffler from Moorcroft, Wyo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, and decomposed animal substance. The article was labeled in part: "M. M. Rush 11. Moorcroft, Wyo."

On March 23, 1942, the consignee having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

**3275. Adulteration of cream. U. S. v. 1 Can of Cream. Consent decree of condemnation and destruction. (F. D. C. No. 7177. Sample No. 81418-E.)**

On March 20, 1942, the United States attorney for the District of Colorado filed a libel against 1 5-gallon can of cream at Denver, Colo., alleging that the article had been shipped in interstate commerce on March 19, 1942, by Hans Van Mark from Torrington, Wyo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, and decomposed animal substance.

On March 20, 1942, the consignee having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

#### CONDENSED MILK

**3276. Adulteration of sweetened condensed milk. U. S. v. 50 Cases and 24 Cases of Sweetened Condensed Milk. Default decrees of condemnation and destruction. (F. D. C. Nos. 6723, 6724. Sample Nos. 83178-E, 83414-E.)**

Examination showed that this product was contaminated with filth, such as plant fragments, rodent hairs, and nondescript dirt.

On January 17 and 23, 1942, the United States attorneys for the Middle and the Southern Districts of Alabama filed libels against 50 cases each containing 24 15-ounce cans of sweetened condensed milk at Montgomery, Ala., and 24 cases each containing 24 15-ounce cans of sweetened condensed milk at Mobile, Ala., alleging that the article had been shipped in interstate commerce on or about December 8 and 15, 1941, by the Borden Co. or the Borden Co., Sales Co. Division from Starkville, Miss.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: (Cans) "Borden's Eagle Brand Sweetened Condensed Milk."

On April 22 and May 6, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

#### EGGS

Nos. 3277 to 3280 report the seizure and disposition of frozen eggs that were in whole or in part decomposed.

**3277. Adulteration of frozen eggs. U. S. v. 889 Cans and 1,457 Cans of Frozen Eggs. Consent decree of condemnation. Product released under bond. (F. D. C. No. 5844. Sample Nos. 56963-E, 56964-E.)**

On or about September 26, 1941, the United States attorney for the District of New Jersey filed a libel against 2,346 cans of frozen eggs at Jersey City, N. J.,



alleging that the article had been shipped in interstate commerce within the period from on or about May 29 to on or about June 27, 1941, by Highway Butter & Egg Co., Inc., from New York, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On February 24, 1942, Highway Butter & Egg Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that the good be segregated from the bad under the supervision of the Food and Drug Administration of the Federal Security Agency.

**3278. Adulteration of frozen eggs. U. S. v. 190 Cans of Frozen Eggs. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of unfit portion.** (F. D. C. No. 6654. Sample No. 84220-E.)

On January 5, 1942, the United States attorney for the Eastern District of New York filed a libel against 190 30-pound cans of frozen eggs at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about December 5, 1941, by Indianapolis Terminal & Refrigerating Co. from Indianapolis, Ind.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On February 20, 1942, Marshall Kirby & Co., New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for segregation and destruction of the unfit portion.

**3279. Adulteration and misbranding of frozen eggs. U. S. v. 6 Cans of Frozen Eggs (and 2 additional seizure actions against frozen eggs). Decrees of condemnation. Portion of product ordered destroyed. Remainder ordered released under bond for segregation and destruction of unfit portion.** (F. D. C. Nos. 7004, 7438, 7461. Sample Nos. 70489-E, 73392-E, 73398-E, 89623-E.)

Examination of this product showed the presence of decomposed eggs in portions and of excess whites in others.

Between March 12 and May 6, 1942, the United States attorneys for the District of Kansas, Southern District of Florida, and Eastern District of New York filed libels against 6 cans of frozen eggs at Kansas City, Kans., 300 cans at Tampa, Fla., and 421 cans at Long Island City, N. Y., alleging that the article had been shipped in interstate commerce within the period from on or about July 23, 1941, to on or about April 2, 1942, by Swift & Co. from Fort Worth, Tex.; and charging that it was adulterated and that portion was also misbranded.

The article with the exception of one lot located at Kansas City, was alleged to be adulterated in that it consisted in whole or in part of a decomposed substance. The remaining lots of eggs at Kansas City, Kans., were alleged to be adulterated in that a mixture of whole eggs and egg whites had been substituted wholly or in part for mixed eggs, which they purported to be.

The article in the said remaining lots at Kansas City, Kans., was alleged to be misbranded in that the statement "Frozen \* \* \* Mixed Eggs" was false and misleading as applied to an article containing excess egg whites; and in that it purported to be a food for which a definition and standard of identity had been prescribed by regulations as provided by law but failed to conform to such definition and standard since the yolk and whites were not in their natural proportion as broken from the shell.

On April 13, 1942, no claimant having appeared for the product located at Kansas City, Kans., judgment of condemnation was entered and the product was ordered destroyed. On May 22 and June 27, 1942, Loose-Wiles Biscuit Co., Inc., and Swift & Co., claimants, respectively, for the seizures at Long Island City, N. Y., and Tampa, Fla., having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond for segregation and destruction or denaturing of the unfit portion under the supervision of the Food and Drug Administration.

**3280. Adulteration of frozen eggs. U. S. v. 461 Cans of Frozen Eggs. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of unfit portion.** (F. D. C. No. 6645. Sample No. 84221-E.)

On January 5, 1942, the United States attorney for the Eastern District of New York filed a libel against 461 30-pound cans of frozen eggs at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about September 4, 1941, by St. Louis Refrigerating & Cold Storage Co. from St. Louis, Mo., and charging that it was adulterated in that it consisted in whole or in part



of a decomposed substance. The article was labeled in part: (Cans) "Pkd. by J. W. Coss & Co. Whole Egg \* \* \* Itn'l Stock Yds. Ill."

On February 20, 1942, Madison Baking Co., Brooklyn, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for segregation and destruction of the unfit portion under the supervision of the Food and Drug Administration. On March 4, 1942, the decree was amended to permit denaturing of the unfit portion and sale of same for use in the tanning of leather.

**3281. Adulteration and misbranding of frozen egg yolk. U. S. v. 40 Cans, 100 Cans, and 25 Cans of Frozen Egg Yolk. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 7033. Sample Nos. 76787-E, 76788-E, 76789-E.)**

This product did not consist solely of yolk with 10 percent of sugar as indicated by its label, but contained added egg whites.

On April 8, 1942, the United States attorney for the District of Minnesota filed a libel against 165 30-pound cans of frozen egg yolks at St. Paul, Minn., alleging that the article had been shipped in interstate commerce on or about May 12, June 4, and July 17, 1941, by Rothenberg & Schneider Bros., Inc., from Chicago, Ill.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that a mixture of egg yolks, added egg whites, and approximately 10 percent of sugar had been substituted for yolks with approximately 10 percent of sugar, which it purported to be.

It was alleged to be misbranded in that the statement "Yolks with approximately 10% sugar" was misleading as applied to a mixture of egg yolks, added egg whites, and approximately 10 percent of sugar since it failed to reveal the material fact that the article contained egg whites.

On April 24, 1942, Rothenberg & Schneider Bros., Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

**3282. Adulteration of frozen egg yolks. U. S. v. 77 Cans of Frozen Egg Yolks. Consent decree of condemnation. Product ordered released under bond to be reconditioned. (F. D. C. No. 6768. Sample No. 72092-E.)**

On January 27, 1942, the United States attorney for the Southern District of California filed a libel against 77 30-pound cans of frozen egg yolks at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about January 17, 1942, by Mountain States Creamery Co. from Salt Lake City, Utah; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On February 5, 1942, Mountain States Creamery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reconditioned under the supervision of the Food and Drug Administration. The unfit portion was segregated and denatured with kerosene.

**3283. Adulteration and misbranding of frozen egg yolks. U. S. v. 99 Cans and 200 Cans of Frozen Egg Yolks. Consent decrees of condemnation. Product ordered released under bond to be relabeled. (F. D. C. Nos. 6810, 6857. Sample Nos. 76587-E, 76596-E.)**

Examination showed that this product contained added egg whites and less than 43 percent of total egg solids.

On February 5 and 11, 1942, the United States attorney for the District of Minnesota filed libels against 99 30-pound cans of frozen egg yolks at Minneapolis, and 200 30-pound cans of frozen egg yolks at St. Paul, Minn., alleging that the article had been shipped in interstate commerce on or about July 16 and September 2, 1941, by Rothenberg & Schneider Bros. from Chicago, Ill.; and charging that it was adulterated and misbranded. It was labeled in part: "Yolks With Approx 10% Sugar."

The article was alleged to be adulterated in that a mixture of egg yolks, added egg whites, and approximately 10 percent sugar had been substituted for yolks with approximately 10 percent sugar, which it purported to be.

It was alleged to be misbranded (1) in that the statement "Yolks With Approx 10% Sugar" was false and misleading as applied to a mixture of egg yolks, added egg whites, and approximately 10 percent sugar; and (2) in that it purported to be a food for which a definition and standard of identity had been prescribed by regulations as provided by law, but it failed to conform to such definition and standard because it contained less than 43 percent total egg solids.



On March 20, 1942, Rothenberg & Schneider Bros., Inc., claimant, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

## FISHERIES PRODUCTS

### FROZEN FISH AND SHELLFISH

**3284. Adulteration of perch fillets. U. S. v. Thomas Slade Gorton, Jr. (Slade Gorton Co.).** Plea of guilty. Fine, \$200. (F. D. C. No. 4167. Sample No. 16311-E.)

This product was found to be in part infested with parasites.

On October 20, 1941, the United States attorney for the District of Massachusetts filed an information against Thomas Slade Gorton, Jr., trading as Slade Gorton Co. at Boston, Mass., alleging shipment in interstate commerce on or about July 20, 1940, from the State of Massachusetts into the State of Oklahoma of a quantity of perch fillets that were adulterated in that they consisted in whole or in part of a filthy substance. The article was labeled in part: "Red Perch Fillets \* \* \* Deep Sea Brand \* \* \* T. & J. Busalacchi Inc. Boston, Mass."

On April 23, 1942, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$200.

**3285. Adulteration of ocean perch, haddock, pollack, and whiting. U. S. v. 830 Boxes of Frozen Haddock Fillets (and 3 other seizure actions against fish).** Decrees of condemnation. Portion of product ordered destroyed; remainder ordered released under bond for segregation and destruction of unfit portion. (F. D. C. Nos. 5586, 5587, 6107, 7095. Sample Nos. 29640-E, 49916-E, 65596-E, 65832-E, 87767-E.)

Examination of these products showed the presence of decomposed fish in the haddock, pollack, and whiting, and of parasitized fish in the ocean perch.

Between August 29, 1941, and March 25, 1942, the United States attorneys for the Southern District of Texas, Northern District of Ohio, and the District of Maryland filed libels against 77 20-pound cartons of pollack at Houston, Tex.; 855 15-pound boxes of H & G whiting at Cleveland, Ohio; and 500 20-pound cartons of ocean perch fillets at Baltimore, Md., alleging that the articles had been shipped in interstate commerce within the period from on or about May 27 to on or about September 9, 1941, for the 40-Fathom Fish Co. from Boston, Mass. On August 29, 1941, the United States attorney for the District of Colorado filed a libel against 890 20-pound cartons of haddock fillets at Denver, Colo., which had been consigned by the 40-Fathom Fish Co. from Boston, Mass., on or about June 30, 1941. The articles were labeled in part variously: (Boxes) "40-Fathom Quick Frozen Fish \* \* \* Skinless Had. Fillets," "Beacon Skinless Pollock," "Frozen H & G Whiting Fish," and "Ocean Perch Fillets."

They were alleged to be adulterated in that the haddock, pollack, and whiting consisted in whole or in part of decomposed substances, and the ocean perch consisted in whole or in part of a filthy substance.

On October 20 and December 3, 1941, no claimant having appeared for the pollack and whiting located at Houston and Cleveland, judgments of condemnation were entered and the products were ordered destroyed. On September 26, 1941, and April 17, 1942, the 40-Fathom Fish Co. having appeared as claimant for the ocean perch and haddock located at Baltimore and Denver, and having admitted the allegations of the libels and consented to the entry of decrees, judgments of condemnation were entered and the products were ordered released under bond conditioned that the fit portion be segregated from the unfit and that the latter be destroyed under the supervision of the Food and Drug Administration.

**3286. Adulteration of red perch fillets, haddock fillets, ocean perch fillets, cod fillets, and whiting. U. S. v. 2 Boxes of Red Perch Fillets (and 5 other seizure actions against frozen fish).** Default decrees of condemnation and destruction. (F. D. C. Nos. 5440, 5441, 5589, 5627, 5740, 5747. Sample Nos. 29627-E, 42475-E, 42478-E, 50278-E, 50279-E, 64304-E, 64309-E, 64317-E, 64319-E, 64324-E, 64330-E.)

Examination showed the presence of decomposed fish in portions of these products and of parasitized fish in the remainder.

Between August 23 and September 12, 1941, the United States attorneys for the District of Maryland, Western District of Pennsylvania, and the Northern District of Ohio filed libels against 8 16-pound boxes of red perch fillets at Baltimore, Md.; 134 15-pound boxes of haddock fillets, 9 5-pound boxes of ocean perch fillets, 21



15-pound boxes of H & G whiting, and 52 10-pound boxes of red perch fillets at Pittsburgh, Pa.; and 13 10-pound boxes of cod fillets at Cleveland, Ohio, alleging that the articles had been shipped in interstate commerce within the period from on or about July 7 to on or about August 25, 1941, by the Genoa Fisheries, Inc., from Boston, Mass.; and charging that they were adulterated in that portions consisted in whole or in part of decomposed substances and in that the remainder consisted in whole or in part of filthy substances.

Between September 26 and December 19, 1941, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

**3287. Adulteration of frozen perch. U. S. v. 113 Boxes of Frozen Fillets. Default decree of condemnation and destruction.** (F. D. C. No. 6784. Sample No. 86704-E.)

Examination showed that this product was infested with parasites.

On January 31, 1942, the United States attorney for the Northern District of Illinois filed a libel against 113 10-pound boxes of perch fillets at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about January 17, 1942, by the North Atlantic Fish Co. from Boston, Mass.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On April 27, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3288. Adulteration of frozen cod fillets. U. S. v. 86 Boxes of Cod Fillets. Default decree of condemnation and destruction.** (F. D. C. No. 6259. Sample No. 74461-E.)

On November 25, 1941, the United States attorney for the Southern District of New York filed a libel against 86 15-pound boxes of cod fillets at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about October 31, 1941, in the name of L. H. Young Co., a trucking firm, from Boston, Mass.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Skinless Cod Fillets \* \* \* Seakist Brand Fish Busalacchi Bros. Inc. Boston, Mass."

On January 14, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3289. Adulteration of frozen tullibeeks. U. S. v. 14 Boxes of Frozen Fish. Default decree of condemnation and destruction.** (F. D. C. No. 7074. Sample No. 84039-E.)

This product contained parasitic worms.

On March 25, 1942, the United States attorney for the Southern District of New York filed a libel against 14 130-pound boxes of frozen tullibeeks at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about February 11, 1941, by Armstrong Gimli Fisheries, Ltd., from Winnipeg, Canada; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On April 22, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

Nos. 3290 to 3296 report the seizure and disposition of frozen shrimp that was in whole or in part decomposed.

**3290. Adulteration of frozen shrimp. U. S. v. 111 Bags and 13 Bags of Fresh Frozen Shrimp. Default decrees of condemnation and destruction.** (F. D. C. No. 7038. Sample Nos. 69717-E, 69718-E.)

On March 17, 1942, the United States attorney for the Southern District of New York filed libels against 124 bags of frozen shrimp at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 29, 1941, by Louis G. Ambros from Thunderbolt, Ga.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On April 10, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**3291. Adulteration of frozen shrimp. U. S. v. 45 Bags of Fresh Frozen Shrimp. Default decree of condemnation and destruction.** (F. D. C. No. 7001. Sample No. 69712-E.)

On March 10, 1942, the United States attorney for the Southern District of New York filed a libel against 45 bags of frozen shrimp at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 28,



1941, by A. A. Fagan from Thunderbolt, Ga.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On April 10, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3292. Adulteration of frozen shrimp. U. S. v. 4,265 Pounds of Frozen Shrimp (and 2 other seizure actions against frozen shrimp). Consolidated decree of condemnation and destruction.** (F. D. C. Nos. 6924, 6934, 6841. Sample Nos. 91013-E, 86411-E, 86409-E, 86410-E.)

On February 25 and 27 and March 9, 1942, the United States attorney for the Northern District of Illinois filed libels against 9,823 pounds of frozen shrimp at Chicago, Ill., alleging that the article had been shipped in interstate commerce within the period from on or about November 7 to on or about November 27, 1941, by J. R. Hardee, Jr., from Berwick, La., and by one other shipper, name unknown, from the State of Louisiana; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On May 12, 1942, the three cases having been consolidated and the consignee having appeared by attorney, but no claim or answer having been filed, judgment of condemnation was entered and it was ordered that the product be destroyed and that all cost including that of destruction be paid by the consignee.

**3293. Adulteration of frozen shrimp. U. S. v. 41 Bags of Fresh Frozen Shrimp. Default decree of condemnation and destruction.** (F. D. C. No. 7002. Sample No. 69713-E.)

On March 10, 1942, the United States attorney for the Southern District of New York filed a libel against 41 bags of frozen shrimp at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about June 28, 1941, by Loop Fish & Oyster Co., from Mobile, Ala., on or about July 14, 1941, by Hunter Watson and J. Martin, and on or about August 28, 1941, by Hunter Watson, both from Valona, Ga.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On April 10, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3294. Adulteration of frozen shrimp. U. S. v. 12 Cartons and 28 Cartons of Frozen Shrimp. Default decree of condemnation and destruction.** (F. D. C. No. 6935. Sample Nos. 91007-E, 91008-E.)

On March 9, 1942, the United States attorney for the Northern District of Illinois filed a libel against 40 cartons each containing 12 5-pound blocks of frozen shrimp at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about October 4 and 6, 1941, in part by St. John's Shrimp Co. from Savannah, Ga., and in part by Morgan City Packing Co. from Berwick, La.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Morris Brand Fancy Shrimp."

On April 24, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3295. Adulteration of frozen shrimp. U. S. v. 15 Boxes of Frozen Shrimp. Default decree of condemnation and destruction.** (F. D. C. No. 6923. Sample No. 91012-E.)

On February 25, 1942, the United States attorney for the Northern District of Illinois filed a libel against 15 10-pound boxes of frozen shrimp at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about October 1, 1941, by John Santos from Patterson, La.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On April 10, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3296. Adulteration of frozen shrimp. U. S. v. 98 Bags of Fresh Frozen Shrimp. Default decree of condemnation and destruction.** (F. D. C. No. 7021. Sample No. 69719-E.)

On March 16, 1942, the United States attorney for the Southern District of New York filed a libel against 98 bags of frozen shrimp at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about September 11, 1941, by Universal Fish & Prawn Co. from Southport, N. C.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On April 10, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.



## MISCELLANEOUS

**3297. Adulteration of dried salt codfish. U. S. v. 156 Boxes and 28 Crates of Codfish. Default decree of condemnation and destruction.** (F. D. C. No. 6867. Sample Nos. 22792-E to 22795-E, incl.)

Examination of this product showed the presence of brown-spot mold and reddening spoilage due to the growth of red bacteria.

On February 16, 1942, the United States attorney for the Northern District of California filed a libel against 86 30-pound boxes, 67 25-pound boxes, and 3 100-pound boxes, and 28 crates each containing 12 1-pound boxes of codfish at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about December 19, 1941, by Joseph L. Sclafani from New York, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a filthy and decomposed substance. The article was labeled in part: "Gaspé Export Regd. Barachois, Quebec."

On April 4, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3298. Adulteration of pickled herring. U. S. v. 9, 5, and 8 Jars of Pickled Herring. Default decrees of condemnation and destruction.** (F. D. C. Nos. 7046, 7047. Sample Nos. 64821-E, 64822-E.)

Examination of this product showed the presence of decomposed fish.

On March 17, 1942, the United States attorney for the Northern District of Ohio filed libels against 22 gallon jars of pickled herring at Youngstown, Ohio, alleging that the article had been shipped in interstate commerce on or about February 11 and 26, 1942, by Nova Scotia Salt Fish Co., Inc., from New York, N. Y.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. Five gallons of the article were labeled in part: "Pep-E Pickled Sardines \* \* \* Contents 1 Gal. Packed By Albert Adelman Detroit, Mich."

On April 13, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**3299. Adulteration of smoked herring. U. S. v. 185 Boxes of Smoked Herring. Default decree of condemnation and destruction.** (F. D. C. No. 6766. Sample No. 90555-E.)

Examination of this product showed the presence of decomposed fish.

On January 28, 1942, the United States attorney for the District of Massachusetts filed a libel against 185 boxes of smoked herring at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about December 17, 1941, by Richter Bros. from New York, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Boxes) "Kilty Smoked Herring Nova Scotia Salt Fish Co. Rockville Yarmouth Co., N. W."

On April 27, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3300. Adulteration of canned salmon. U. S. v. 424 Cases of Canned Salmon. Consent decree of condemnation and destruction.** (F. D. C. Nos. 4261 to 4264, incl. Sample Nos. 60715-E to 60717-E, incl., 60720-E to 60722-E, incl.)

Samples of this product were found to be decomposed.

On April 8, 1941, the United States attorney for the Western District of Washington filed a libel against 424 cases, each containing 48 cans, of salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about September 22, 1940, by Morris Muskattell from Port Althorp, Alaska; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. Portions of the article were labeled in part: (Cans) "M and J Brand Salmon" or "Nico Brand Alaska Pink Salmon." The remainder was unlabeled.

On August 4, 1941, Morris Muskattell, claimant, filed an answer admitting the allegations of the libel and requesting permission to segregate and recondition the product. The United States attorney, having appeared in opposition, the court after hearing the evidence found that the product was a part of a shipment of salmon that the Government had formerly attempted to seize but had been prevented by the claimant's hiding and secreting it and that, because of such attempt, the request of the claimant for release of the goods should be denied. Judgment of condemnation and destruction was thereupon entered.

On August 5, 1941, the court granted a stay of execution and on August 19, 1941,



granted the claimant and the Government permission to take further samples and directed the marshal to carry out the order of destruction.

**3301. Misbranding of canned flaked fish. U. S. v. 39 Cases of Flaked Fish. Default decree of condemnation and destruction. (F. D. C. No. 7008. Sample No. 90386-E.)**

Examination showed that this product was short weight.

On March 9, 1942, the United States attorney for the District of Maine filed a libel against 39 cases, each containing 24 7-ounce cans, of flaked fish at Portland, Maine, alleging that the article had been shipped in interstate commerce on or about January 29, 1942, by Tupman Thurlow Sales Co., Inc., from Gloucester, Mass.; and charging that it was misbranded. The article was labeled in part: "Davis Bros. Flaked Fish Haddock and Codfish \* \* \* Davis Bros. Fisheries Co., Inc., Gloucester, Mass."

It was alleged to be misbranded in that the statement on the label, "Net Weight 7 Oz.," was false and misleading as applied to an article that was short weight; and in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

On April 25, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3302. Adulteration of oysters. U. S. v. 74 Pints and 22 Pints of Oysters. Default decree of condemnation and destruction. (F. D. C. No. 6305. Sample No. 54298-E.)**

This product contained added water.

On November 28, 1941, the United States attorney for the Middle District of Pennsylvania filed a libel against 96 pints of oysters at York, Pa., alleging that the article had been shipped in interstate commerce on or about November 25, 1941, by John W. Ruby, clerk of Bob's Food Market from Baltimore, Md.; and charging that it was adulterated. It was labeled in part: "Extra Standards [or "Selects"] \* \* \* Oysters Packed By Union Fish Co. Baltimore, Md."

The article was alleged to be adulterated in that water had been substituted wholly or in part for it; and in that water had been added thereto or mixed or packed therewith so as to increase its bulk or weight or reduce its quality.

On January 29, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3303. Adulteration of oysters. U. S. v. 2,500 Cans of Oysters. Consent decree of condemnation. Product ordered released under bond for salvaging of fit portion. (F. D. C. No. 6657. Sample No. 30490-E.)**

This product contained added water.

On January 5, 1942, the United States attorney for the Eastern District of Michigan filed a libel against 2,500 cans of oysters at Detroit, Mich., alleging that the article had been shipped in interstate commerce on or about December 24, 1941, by Warren Oyster Co. from Greenwich, N. J.; and charging that it was adulterated. It was labeled in part: (Cans) "Sterling Brand Oysters 12- $\frac{3}{4}$  Oz. Net Wt."

The article was alleged to be adulterated in that water had been substituted in part for it; and in that water had been added thereto or mixed or packed therewith so as to increase its bulk or weight and reduce its quality.

On January 5, 1942, Sterling Oyster Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for salvaging of the portion fit for human consumption by removing the excess water, under the supervision of the Food and Drug Administration.

## FRUITS AND VEGETABLES

### CANNED FRUITS

**3304. Adulteration of canned blackberries. U. S. v. 38 Cases of Canned Blackberries. Default decree of condemnation and destruction. (F. D. C. No. 6767. Sample No. 54535-E.)**

This product contained maggots and moldy berries.

On January 28, 1942, the United States attorney for the Eastern District of Pennsylvania filed a libel against 38 cases each containing 6 No. 10 cans of blackberries at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about August 5, 1941, by Litteral Canning Co. from Fayetteville, Ark.; and charging that it was adulterated in that it consisted in whole or in part



of a filthy and decomposed substance, to wit, maggots and moldy berries. The article was labeled in part: (Cans) "Faycano Blackberries Packed in Water."

On April 2, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3305. Adulteration of canned blackberries. U. S. v. 80 Cases of Canned Blackberries. Default decree of condemnation and destruction. (F. D. C. No. 6230. Sample No. 60876-E.)**

Examination of this product showed the presence of moldy berries.

On November 14, 1941, the United States attorney for the Northern District of California filed a libel against 80 cases each containing 6 No. 10 cans of blackberries at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about October 8, 1941, by MacDonald Andrews Co. from Portland, Oreg.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Stiefvaters' Best OK Supreme Quality Blackberries in Water."

On April 16, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

Nos. 3306 to 3308, inclusive, report the seizure and disposition of canned cherries that were substandard in quality because of the presence of excessive pits, but were not labeled to indicate that they were substandard.

**3306. Misbranding of canned cherries. U. S. v. 269 Cases of Canned Cherries. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 6101. Sample No. 53278-E.)**

In addition to containing excessive pits, this product fell below the standard for fill of container. Furthermore, the label indicated that the product was packed in cherry juice; whereas it was packed in water.

On October 30, 1941, the United States attorney for the Southern District of California filed a libel against 269 cases, each containing 6 No. 10 cans, of cherries at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about July 22, 1941, by Colorado Growers Cooperative from Palisade, Colo.; and charging that it was misbranded. It was labeled in part: (Cans) "Colorado Pitted Red Tart Cherries In Cherry Juice."

The article was alleged to be misbranded (1) in that the statement "In Cherry Juice" was false and misleading since the cherries were packed in water; (2) in that it purported to be a food for which a definition and standard of identity had been prescribed by regulations as provided by law, and its label failed to bear the common name [water] of the optional ingredient present; (3) in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard and its label failed to bear in such manner and form as the regulations specify, a statement that it fell below such standard; and (4) in that it purported to be a food for which a standard of fill of container had been prescribed by regulations as provided by law, but it fell below the standard of fill of container applicable thereto since it did not contain the maximum quantity of the optional cherry ingredient which can be sealed in the container and processed by heat to prevent spoilage, without crushing such ingredient, and its label failed to bear in such manner and form as the regulations specify, a statement that it fell below such standard.

On November 28, 1941, Colorado Growers Cooperative, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

**3307. Misbranding of canned cherries. U. S. v. 400 Cases of Canned Cherries. Consent decree of condemnation. Product ordered released under bond to be brought into compliance with the law. (F. D. C. No. 6781. Sample No. 73385-E.)**

On January 28, 1942, the United States attorney for the District of Kansas filed a libel against 400 cases, each containing 6 No. 10 cans, of cherries at Topeka, Kans., alleging that the article had been shipped on or about July 10, 1941, by Loveland Canning Co. from Loveland, Colo.; and charging that it was misbranded. It was labeled in part: (Cans) "Rainbow Brand Water Pack Pitted Red Sour Cherries \* \* \* Selected Products, Inc. Chicago. Ill. Exclusive Distributors."

The article was alleged to be misbranded in that its quality fell below the standard prescribed by regulations as provided by law and its label failed to bear in



such manner and form as the regulations specify, a statement that it fell below such standard.

On March 10, 1942, Loveland Canning Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law under the supervision of the Food and Drug Administration. Subsequently it was relabeled.

**3308. Misbranding of canned cherries. U. S. v. 121 Cases of Canned Cherries. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 5827. Sample No. 61542-E.)**

On October 2, 1941, the United States attorney for the Eastern District of Virginia filed a libel against 121 cases, each containing 6 No. 10 cans, of cherries at Norfolk, Va., alleging that the article had been shipped on or about September 2, 1941, by Washington Packers, Inc., from Sumner, Wash.; and charging that it was misbranded. It was labeled in part: (Cans) "Inavale Brand \* \* \* Pitted Water Pack Royal Anne Cherries."

The article was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard and its label did not bear in such manner and form as the regulations specify, a statement that it fell below such standard.

On November 14, 1941, Barrow-Penn & Co., Roanoke, Va., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

**3309. Misbranding of canned cherries. U. S. v. 10 Cases and 20 Cases of Canned Cherries. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 6884. Sample Nos. 85613-E, 85614-E.)**

Both lots of this product were substandard in quality because more than 15 percent of the cherries in the container were blemished. One lot was short weight; the other was labeled to indicate that it was packed in sirup, whereas it was packed in water.

On February 27, 1942, the United States attorney for the Western District of Washington filed a libel against 30 cases, each containing 6 cans, of cherries at Bellingham, Wash., alleging that the article had been shipped in interstate commerce on or about October 12 and December 17, 1941, by Silverton Canning Co. from Silverton, Oreg.; and charging that it was misbranded. It was labeled in part: (Cans) "Silver Falls Cherries Red [or "Dark Red"] Sour Pitted Choice Syrup [or "in Water"] Contents 6 Lbs. 11 Oz. [or "6 Lbs. 14 Oz.]."

The article was alleged to be misbranded (10 cases) in that the statement "Contents 6 Lbs. 14 Oz." was false and misleading as applied to an article that was short weight, and in that it was in package form and did not bear a label containing an accurate statement of the quantity of contents; (20 cases) in that the statement "Choice Syrup" was false and misleading as applied to cherries packed in water, and in that it purported to be a food for which a definition and standard of identity had been prescribed by regulations as provided by law and its label failed to bear the name of the optional liquid packing medium present in such food; and (both lots) in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard and its label failed to bear in such manner and form as the regulations specify, a statement that it fell below such standard.

On March 25, 1942, Lee Grocery Co., Bellingham, Wash., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under supervision of the Food and Drug Administration.

**3310. Misbranding of Peach and Pear Mix. U. S. v. 200 Cases of Peach and Pear Mix. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 6605. Sample No. 23231-E.)**

Examination showed that this product consisted of pieces of peach and pear of very irregular size and shape. It also contained one or two pieces of maraschino cherry, some bits of grape, pear seeds, skin, pieces of leaves, stem particles, and bits of pear calyx.

On December 29, 1941, the United States attorney for the Eastern District of New York filed a libel against 200 cases, each containing 48 pound cans of Peach and Pear Mix at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about November 22, 1941, by the American Trading



Co. from San Francisco, Calif.; and charging that it was misbranded. It was labeled in part: (Cans) -"Jes-so Peach and Pear Mix Diced Peaches and Pears in Heavy Syrup."

The article was alleged to be misbranded (1) in that the vignette and the legend "Peach and Pear Mix Diced Peaches and Pears" were false and misleading since they represented and suggested that the articles consisted of diced pieces of peaches and pears, whereas it consisted of pieces that were not diced but were of very irregular size and shape and many of which were extremely small and mushy; and (2) in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient, since it contained ingredients other than peach and pear.

On March 2, 1942, Grosberg-Golub Co., Inc., Schenectady, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

**3311. Misbranding of canned pears. U. S. v. 50 Cases of Canned Pears. Default decree of condemnation and destruction. (F. D. C. No. 6786. Sample No. 89026-E.)**

Examination showed that this product was substandard because all units were not untrimmed or so trimmed as to preserve their normal shape, and more than 10 percent of the units in the container were crushed or broken.

On January 30, 1942, the United States attorney for the Eastern District of New York filed a libel against 50 cases, each containing 24 cans, of pears at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about November 4, 1941, by Washington Packers, Inc., from Sumner, Wash.; and charging that it was misbranded. It was labeled in part: (Cans) "Sunburst Brand Halves Bartlett Pears \* \* \* Contents 1 Lb. 14 Oz."

The article was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard and its label failed to bear, in such manner and form as the regulations specify, a statement that it fell below such standard.

On March 31, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3312. Adulteration of diced fruit. U. S. v. 49 Cans of Diced Fruit (and 2 additional seizure actions against diced fruit). Default decrees of condemnation and destruction. (F. D. C. Nos. 6569, 6588, 6589. Sample Nos. 50354-E to 50356-E, incl., 59081-E, 80045-E.)**

This product contained insect fragments, rodent hairs, and miscellaneous filth fragments.

On December 22 and 24, 1941, the United States attorneys for the Western District of Kentucky and the District of Maryland filed libels against 49 30-pound cans of diced fruit at Louisville, Ky., 10 30-pound cans of mixed diced fruit, 4 30-pound cans of diced oranges, 3 30-pound cans of diced lemon and 1 open barrel containing 117 pounds of diced fruit at Baltimore, Md., alleging that the article had been shipped in interstate commerce within the period from on or about November 5 to on or about November 17, 1941, by the Citrus Fruit Specialties Co. from New York, N. Y.; and charging that it was adulterated. The article was variously labeled: (49 cans, shipping carton for individual cans) "Merita Diced Mixed Fruit"; (17 cans) "Mixed Diced Fruit Contains Orange and Grapefruit Peel"; "Diced Orange," or "Diced Lemon"; (side of barrel) "Diced Fruit Red Contains Grapefruit."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared, packed, or held under insanitary conditions whereby it might have become contaminated with filth.

On February 10, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**3313. Misbranding of canned fruit cocktail. U. S. v. 800 Cases of Fruit Cocktail. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 6672. Sample No. 75813-E.)**

This product was not of Fancy quality, as labeled.

On January 8, 1942, the United States attorney for the District of Massachusetts filed a libel against 800 cases, each containing 48 cans, of fruit cocktail at Charlestown, Mass., alleging that the article had been shipped in interstate commerce on or about October 27, 1941, by Fruitvale Canning Co. of Oakland, Calif., from San



Francisco, Calif.; and charging that it was misbranded. It was labeled in part: (Cans) "Finast Brand Fancy Fruit Cocktail \* \* \* . Net Weight 1 Lb. 1 Oz. First National Stores Inc. Distributors Somerville, Mass."

The article was alleged to be misbranded in that the label statement "Fancy" was false and misleading as applied to an article that was not Fancy because it contained numerous pieces of peach and pear material of very irregular size, units which were blemished because of bruises and attached peel, and crushed grapes and grapes with cap stems.

On February 3, 1942, First National Stores, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

#### CANNED VEGETABLES

Nos. 3314 to 3316 report the seizure and disposition of canned green beans that were not of Fancy quality, as labeled, because the beans were too mature.

**3314. Misbranding of canned green beans. U. S. v. 799 Cases of Canned Green Beans. Consent decree of condemnation. Product ordered released under bond to be relabeled.** (F. D. C. No. 6708. Sample No. 90413-E.)

On January 19, 1942, the United States attorney for the District of Rhode Island filed a libel against 799 cases, each containing 24 No. 2 cans, of green beans at Providence, R. I., alleging that the article had been shipped in interstate commerce on or about November 1, 1941, by the Fuller Canneries Co. from South Dayton, N. Y.; and charging that it was misbranded. It was labeled in part: (Cans) "Richmond Brand Fancy Cut Green Beans First National Stores Inc. Distributors Somerville, Mass."

The article was alleged to be misbranded in that the label statement "Fancy" was false and misleading as applied to an article that was not of Fancy quality because of overmaturity.

On February 26, 1942, First National Stores, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

**3315. Misbranding of canned string beans. U. S. v. 25 Cases of Stringless Beans. Default decree of condemnation. Product ordered delivered to a local charitable agency.** (F. D. C. No. 6249. Sample No. 84609-E.)

On November 22, 1941, the United States attorney for the Southern District of New York filed a libel against 25 cases, each containing 24 No. 2 cans, of stringless beans at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about July 19, 1941, by National Retailer-Owned Grocers, Inc., from Baltimore, Md.; and charging that it was misbranded. It was labeled in part: (Cans) "Shurfine Fancy Grade French Style Stringless Beans."

The article was alleged to be misbranded in that the term "Fancy Grade" was false and misleading as applied to an article that was not of Fancy quality because the beans were overmature and mealy and the pods were fibrous.

On January 15, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a local charitable agency for its own use and not for sale.

**3316. Misbranding of canned green beans. U. S. v. 84 Cases of Canned Green Beans. Product adjudged misbranded and ordered released under bond to be relabeled.** (F. D. C. No. 6796. Sample No. 80155-E.)

On January 30, 1942, the United States attorney for the Northern District of Ohio filed a libel against 84 cases, each containing 24 No. 2 cans, of green beans at Cleveland, Ohio, alleging that the article had been shipped in interstate commerce on or about November 15 and December 16, 1941, by Silver Creek Preserving Corporation from Silver Creek, N. Y.; and charging that it was misbranded. It was labeled in part: (Cans) "Cleveland Eagle Fancy Cut Green Beans—Packed for the Eagle Wholesale Grocery Co., Cleveland, O."

The article was alleged to be misbranded in that the term "Fancy" was false and misleading as applied to an article that was not Fancy because the beans were too mature.

On March 5, 1942, Silver Creek Preserving Corporation, claimant, having admitted the allegations of the libel, judgment was entered finding the product misbranded and ordering that it be released under bond to be relabeled under the supervision of the Food and Drug Administration.



**3317. Misbranding of canned green beans. U. S. v. 329 Cases of Canned Green Beans. Consent decree ordering the product released under bond to be relabeled. (F. D. C. No. 7151. Sample No. 87949-E.)**

Examination showed that this product was not of Fancy quality, as labeled, because of blemished pieces, short nubbins, and unsnipped stem ends.

On April 7, 1942, the United States attorney for the Southern District of West Virginia filed a libel against 329 cases, each containing 24 cans, of green beans at Charleston, W. Va., alleging that the article had been shipped in interstate commerce on or about March 18 and 20, 1942, by Land O' The Sky Mutual Association, Inc., from Waynesville, N. C.; and charging that it was misbranded. It was labeled in part: (Cans) "Our Betsy Fancy Cut Green Stringless Beans \* \* \* 1 Lb. 12 Ozs."

The article was alleged to be misbranded in that the term "Fancy" was false and misleading as applied to an article that was not of Fancy quality because of blemished pieces, short nubbins, and unsnipped stem ends.

On April 23, 1942, Lewis, Hubbard & Co., Charleston, W. Va., claimant, having admitted the allegations of the libel, judgment was entered ordering that the product be released under bond to be relabeled under the supervision of the Food and Drug Administration.

**3318. Adulteration of canned beets. U. S. v. 28 Cases and 44 Cases of Canned Beets. Consent decree of condemnation and destruction. (F. D. C. No. 7023. Sample Nos. 81559-E, 81560-E.)**

Examination showed that this product was in part decomposed.

On March 14, 1942, the United States attorney for the District of Colorado filed a libel against 72 cases of canned beets at Denver, Colo., which had been consigned by the Marshall Canning Co., alleging that the article had been shipped in interstate commerce on or about June 25, 1941, from Sugar Land, Tex.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: "Jack Sprat Sliced [or "Cut"] Beets \* \* \* Distributed by Jack Sprat Foods, Inc., Marshalltown, Iowa."

On April 15, 1942, the shipper having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

Nos. 3319 to 3327 report the seizure and disposition of canned corn that was not of Fancy quality, as labeled, because the kernels were too mature.

**3319. Misbranding of canned corn. U. S. v. 31 Cases of Canned Corn. Decree of condemnation. Product ordered distributed to local charitable agencies. (F. D. C. No. 7153. Sample No. 44747-E.)**

Examination showed that this product was not of the Country Gentleman variety and was not of Fancy quality, as labeled.

On April 15, 1942, the United States attorney for the District of Colorado filed a libel against 31 cases, each containing 24 No. 2 cans, of corn at Denver, Colo., which had been consigned by Beaver Valley Canning Co., alleging that the article had been shipped on or about November 6, 1941, from Grimes, Iowa; and charging that it was misbranded. It was labeled in part: (Cans) "Shurfine Fancy Grade Whole Kernel Country Gentleman Corn National Retailer Owned Grocers, Inc. Distributors, Chicago, Ill."

The article was alleged to be misbranded in that the statement "Fancy Country Gentleman Corn" was false and misleading as applied to an article that was not of the Country Gentleman variety and was not of Fancy quality because it was too mature.

On April 24, 1942, Beaver Valley Canning Co., owner of the product, having signed an acceptance of service and authorization for taking of final decree, judgment of condemnation was entered and the product was ordered distributed to local charitable agencies.

**3320. Misbranding of canned corn. U. S. v. 114 Cases of Canned Corn. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 6797. Sample No. 54473-E.)**

On January 30, 1942, the United States attorney for the Eastern District of Pennsylvania filed a libel against 114 cases, each containing 24 No. 2 cans, of corn at Philadelphia, Pa., alleging that the article had been shipped on or about October 18, 1941, by Empire State Canning Co. from Stacy Basin, N. Y.; and charging that it was misbranded. It was labeled in part: (Cans) "Uco Our Best Grade Fancy Cream Style Golden Sweet Corn \* \* \* Uco Food Corp. Newark, N. J. Distributors."



The article was alleged to be misbranded in that the term "Fancy" was false and misleading as applied to an article that was not Fancy because it was too mature.

On February 24, 1942, Empire State Canning Co. having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

**3321. Misbranding of canned corn. U. S. v. 111 Cases of Canned Corn. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 6241. Sample No. 74573-E.)**

On November 17, 1941, the United States attorney for the District of New Jersey filed a libel against 111 cases, each containing 24 cans, of corn at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about March 5, 1941, by Fairmont Canning Co. from Fairmont, Minn.; and charging that it was misbranded. It was labeled in part: (Cans) "Uco Fancy Cream Style Country Gentleman Sweet Corn Contents 1 Lb. 1 Oz. \* \* \* Uco Food Corp. Newark, N. J. Distributors."

The article was alleged to be misbranded in that the term "Fancy" was false and misleading as applied to an article that was not of Fancy quality because of overmaturity and lack of tenderness of the kernels.

On January 9, 1942, Uco Food Corporation, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

**3322. Misbranding of canned corn. U. S. v. 52 Cases and 172 Cases of Canned Corn. Consent decree of condemnation. Product ordered released under bond. (F. D. C. 6878. Sample Nos. 73505-E, 73506-E.)**

In addition to the fact that this product was overmature for the designation "Fancy," a portion contained numerous pulled kernels, considerable cob, husk, and silk.

On February 17, 1942, the United States attorney for the District of Nebraska filed a libel against 224 cases, each containing 24 No. 2 cans, of corn at Omaha, Nebr., alleging that the article had been shipped in interstate commerce on or about October 1 and December 10, 1941, and January 12, 1942, by Iowa Canning Co. from Vinton, Iowa; and charging that it was misbranded. It was labeled in part: (Cans) "Tendersweet Fancy Corn Whole Kernel White Country Gentleman [or "Golden Bantam"]."

The article was alleged to be misbranded in that it was labeled as of Fancy quality, which was false and misleading since it was not of Fancy quality.

On April 13, 1942, Iowa Canning Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law under the supervision of the Food and Drug Administration. Subsequently the product was relabeled.

**3323. Misbranding of canned corn. U. S. v. 173 Cases of Corn. Consent decree of condemnation. Product released to claimant for relabeling. (F. D. C. No. 6699. Sample No. 73085-E.)**

Examination showed that this product was not of "Grade A" or "Fancy" quality, as labeled, because of overmaturity of the kernels.

On or about January 20, 1942, the United States attorney for the Western District of Missouri filed a libel against 173 cases, each containing 24 No. 2 cans, of corn at North Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about October 21 and November 4, 1941, by Keene-Belvidere Canning Co. from Belvidere, Ill.; and charging that it was misbranded. It was labeled in part: (Cans) "Kroger's Country Club Quality Brand Fancy Whole Kernel Yellow Corn Golden Bantam Hybrid Grade A \* \* \* Distributed by The Kroger Grocery & Baking Co. \* \* \* Cincinnati, Ohio \* \* \* The corn in this can is from a lot that has been sampled and tested by accepted methods, and found to be Grade A quality."

The article was alleged to be misbranded in that the following label statements, "Fancy," "Grade A," and "The corn in this can is from a lot that has been sampled and tested by accepted methods, and found to be Grade A quality," were false and misleading as applied to an article that was not of Fancy or Grade A quality.

On March 14, 1942, Kroger Grocery & Baking Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product



was released to the claimant for relabeling under the supervision of the Food and Drug Administration.

**3324. Misbranding of canned corn. U. S. v. 25 Cases of Canned Corn. Default decree of condemnation. Product ordered delivered to a local charitable agency. (F. D. C. No. 6863. Sample No. 83219-E.)**

On February 17, 1942, the United States attorney for the Southern District of Texas filed a libel against 25 cases, each containing 24 No. 2 cans, of corn at Houston, Tex., alleging that the article had been shipped on or about January 8 and February 28, 1941, by Marshall Canning Co. from Marshalltown, Iowa; and charging that it was misbranded. It was labeled in part: (Cans) "Uncle William Fancy Country Gentleman Corn."

The article was alleged to be misbranded in that the term "Fancy" was false and misleading as applied to an article that was not Fancy because the kernels were too mature.

On April 15, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a local charitable agency.

**3325. Misbranding of canned corn. U. S. v. 37 Cases of Shoe Peg Corn. Consent decree ordering the product released under bond to be relabeled. (F. D. C. No. 7150. Sample No. 87948-E.)**

On April 7, 1942, the United States attorney for the Southern District of West Virginia filed a libel against 37 cases, each containing 24 No. 2 cans, of corn at Charleston, W. Va., alleging that the article had been shipped in interstate commerce on or about January 23, 1942, by the H. J. McGrath Co. from Baltimore, Md.; and charging that it was misbranded. It was labeled in part: (Cans) "McGrath's Fancy Shoe Peg Corn Champion Brand."

The article was alleged to be misbranded in that the term "Fancy" was false and misleading as applied to an article that was not of Fancy quality because the kernels were too mature.

On April 23, 1942, Elk Grocery Co., Charleston, W. Va., claimant having admitted the allegations of the libel, judgment was entered ordering that the product be released under bond to be relabeled under the supervision of the Food and Drug Administration.

**3326. Misbranding of canned corn. U. S. v. 124 Cases of Canned Corn. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 7045. Sample No. 64827-E.)**

On March 17, 1942, the United States attorney for the Northern District of Ohio filed a libel against 124 cases of canned corn at Youngstown, Ohio, alleging that the article had been shipped in interstate commerce on or about September 23, 1941, and January 5, 1942, by Morgan-Adams Co., Inc., from Terre Haute, Ind.; and charging that it was misbranded in that the term "Fancy" was false and misleading as applied to an article that was not of Fancy quality because the kernels were too old. It was labeled in part: "Pride of Eugene \* \* \* Fancy Whole Kernel Golden Cross Bantam Corn."

On May 22, 1942, the Morgan-Adams Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling in compliance with the law.

**3327. Misbranding of canned corn. U. S. v. 518 Cases of Canned Corn. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 6561. Sample No. 37592-E.)**

On or about December 30, 1941, the United States attorney for the Northern District of Georgia filed a libel against 518 cases, each containing 24 No. 2 cans, of corn at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about November 15, 1941, by Stokely Bros. & Co., Inc., from Sevierville, Tenn.; and charging that it was misbranded. It was labeled in part: (Cans) "Southern Manor \* \* \* Cream Style White Sugar Corn Grade A."

The article was alleged to be misbranded in that the statement "Grade A" was false and misleading as applied to an article that was not Grade A because of overmaturity.

On January 31, 1942, Stokely Bros. & Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.



Nos. 3328 to 3334 report the seizure and disposition of canned peas that fell below the standard of quality for canned peas because of excessive mealiness, as evidenced by the fact that their alcohol-insoluble solids were more than 23.5 percent, and they were not labeled to indicate that they were of substandard quality.

**3328. Misbranding of canned peas. U. S. v. 224 Cases of Canned Peas. Default decree of condemnation. Product ordered delivered to a Federal institution.** (F. D. C. No. 6659. Sample No. 30489-E.)

On January 6, 1942, the United States attorney for the Eastern District of Michigan filed a libel against 224 cases, each containing 24 No. 2 cans, of peas at Detroit, Mich., alleging that the article had been shipped in interstate commerce on or about November 12, 1941, by De Graff Food Co. from De Graff, Ohio; and charging that it was misbranded. It was labeled in part: (Cans) "Miami Leader Brand Sifted Early Peas."

The article was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard and its label failed to bear in such manner and form as the regulations specify, a statement that it fell below such standard.

On February 5, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a Federal institution.

**3329. Misbranding of canned peas. U. S. v. 796 Cases of Canned Peas. Consent decree ordering the product released under bond to be relabeled.** (F. D. C. No. 6748. Sample No. 87300-E.)

On January 23, 1942, the United States attorney for the Southern District of West Virginia filed a libel against 796 cases, each containing 6 No. 10 cans, of peas at Charleston, W. Va., alleging that the article had been shipped by Walker [Walter] English from Brownsville, Wis., on or about November 21, 1941; and charging that it was misbranded. It was labeled in part: (Cans) "Green Vine Brand \* \* \* Early Variety Peas Packed By Brownsville Canning Co., Brownsville, Wis."

The article was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard and its label failed to bear in such manner and form as the regulations specify, a statement that it fell below such standard.

On February 20, 1942, Walter English, claimant, having admitted the allegations of the libel, judgment was entered ordering that the product be released under bond to be relabeled under the supervision of the Food and Drug Administration.

**3330. Misbranding of canned peas. U. S. v. 291 Cases of Canned Peas. Consent decree of condemnation. Product ordered released under bond to be relabeled.** (F. D. C. No. 6235. Sample No. 42780-E.)

On November 21, 1941, the United States attorney for the Western District of Pennsylvania filed a libel against 291 cases, each containing 24 No. 2 cans, of peas at Erie, Pa., alleging that the article had been shipped on or about October 1, 1941, by McCoy Canned Foods Co. from Urbana, Ohio; and charging that it was misbranded. It was labeled in part: (Cans) "McCoy Brand Early June Peas."

The article was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard and its label failed to bear in such manner and form as the regulations specify, a statement that it fell below such standard.

On January 9, 1942, McCoy Canned Foods Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

**3331. Misbranding of canned peas. U. S. v. 398 Cases of Canned Peas. Consent decree of condemnation. Product ordered released under bond to be relabeled.** (F. D. C. No. 6702. Sample No. 87322-E.)

On January 16, 1942, the United States attorney for the Eastern District of Virginia filed a libel against 398 cases, each containing 24 No. 2 cans, of peas at Norfolk, Va., alleging that the article had been shipped in interstate commerce on or about July 19, 1941, by Melrose Canning Co. from Baltimore, Md.; and charging that it was misbranded. It was labeled in part: (Cans) "Loveland \* \* \* June Peas."



The article was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard and its label failed to bear in such manner and form as the regulations specify, a statement that it fell below such standard.

On April 6, 1942, Melrose Canning Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

**3332. Misbranding of canned peas. U. S. v. 169 Cases of Canned Peas. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 6238. Sample No. 66319-E.)**

On November 18, 1941, the United States attorney for the Northern District of Illinois filed a libel against 169 cases, each containing 48 cans, of peas at Chicago, Ill., alleging that the article had been shipped in interstate commerce on July 24, 1941, by John S. Mitchell Co. [John S. Mitchell, Inc.] from Windfall, Ind.; and charging that it was misbranded. It was labeled in part: (Cans) "Contents 8 Oz. Avd. Little Sport Brand Early June Peas."

The article was alleged to be misbranded in that it had purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard and its label failed to bear in such manner and form as the regulations specify, a statement that it fell below such standard.

On February 6, 1942, John S. Mitchell, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

**3333. Misbranding of canned peas. U. S. v. 349 and 359 Cases of Canned Peas. Consent decrees of condemnation. Product ordered released under bond for relabeling. (F. D. C. Nos. 6350, 6511. Sample Nos. 79046-E, 79047-E.)**

On December 6 and 15, 1941, the United States attorney for the Eastern District of Kentucky filed libels against 708 cases of canned peas at Covington, Ky., alleging that the article had been shipped in interstate commerce within the period from on or about June 28 to on or about July 14, 1941, by the Morgan Packing Co. from Austin, Ind.; and charging that it was misbranded. The article was labeled in part: (Cans) "Scott Co. Garden Run Early June Peas"; or "Idyl Brand \* \* \* Early June Peas."

It was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard and its label failed to bear in such manner and form as the regulations specify, a statement that it fell below such standard.

On January 9, 1942, the Morgan Packing Co., claimant, having admitted the allegations of the libel, judgments of condemnation were entered and the product was ordered released under bond conditioned that it be relabeled.

**3334. Misbranding of canned peas. U. S. v. 46 Cases and 1,304 Cases of Canned Peas. Decrees of condemnation. Portion of product ordered released under bond to be relabeled; remainder ordered destroyed. (F. D. C. Nos. 6733, 7445. Sample Nos. 59877-E, 59884-E, 87327-E.)**

On January 19 and May 1, 1942, the United States attorneys for the Eastern District of Virginia and the District of Maryland filed libels against 46 cases each containing 24 No. 2 cans of peas at Norfolk, Va., and 781 cases each containing 24 No. 2 cans of peas at Baltimore, Md. (libel amended on May 13, 1942, to include 523 additional cases), alleging that the article had been shipped in interstate commerce on or about November 11, 1941, and January 26 and February 2, 9, and 10, 1942, by Chas. G. Summers, Jr., Inc., from Baltimore, Md., and New Freedom, Pa.; and charging that it was misbranded. It was labeled in part: (Cans) "Legion Brand Early June Peas."

The article was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard and its label failed to bear in such manner and form as the regulations specify, a statement that it fell below such standard.

On February 20, 1942, no claimant having appeared for the peas seized at Norfolk, judgment of condemnation was entered and the product was ordered destroyed. On May 25, 1942, Chas. G. Summers, Jr., Inc., claimant for the peas seized at Baltimore, having admitted the allegations of the libel, judgment



of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

**3335. Misbranding of canned peas. U. S. v. 539 Cases of Canned Peas. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 6870. Sample No. 84537-E.)**

Examination showed that this product was not of Fancy quality, as labeled, because the peas were too mature. Furthermore, it fell below the standard of fill of container for canned peas.

On February 16, 1942, the United States attorney for the Eastern District of New York filed a libel against 539 cases, each containing 36 1-pound cans, of peas at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about August 17, 1941, by Big Horn Canning Co. from Cowley, Wyo.; and charging that it was misbranded. It was labeled in part: (Cans) "Moosalina Brand \* \* \* Fancy Sweet Peas Packed For Moosalina Products Corp., Brooklyn, N. Y."

The article was alleged to be misbranded (1) in that the designation "Fancy" was false and misleading as applied to an article not of Fancy quality, since it consisted of too mature peas; and (2) in that it purported to be and was represented as a food for which a standard of fill of container had been promulgated by regulation as provided by law, but it fell below such standard and its label failed to bear in such manner and form as the regulation specifies, a statement that it fell below such standard.

On March 23, 1942, Moosalina Products Corporation, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

**3336. Misbranding of canned peas. U. S. v. 176 Cases of Canned Peas. Default decree of condemnation and destruction. (F. D. C. No. 5435. Sample No. 53265-E.)**

This product was not of Fancy quality, as labeled, because of the presence of some hard peas and because many of the peas were too old to be of Fancy quality.

On September 2, 1941, the United States attorney for the District of Arizona filed a libel against 176 cases, each containing 36 cans, of peas at Phoenix, Ariz., alleging that the article had been shipped in interstate commerce on or about July 15, 1941, by Rogers Canning Co. from Freewater, Oreg.; and charging that it was misbranded in that the term "Fancy" was false and misleading because the food was not of Fancy quality. The article was labeled in part: (Cans) "Iris Brand Fancy Telephone Sweet Peas Net Weight 1 Lb.," or "Iris Brand Fancy Mixed Sizes Sweet Peas."

On February 27, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3337. Misbranding of canned peas. U. S. v. 1,500 Cases of Canned Peas. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 6914. Sample No. 84548-E.)**

Examination showed that this product was not of Fancy quality, as labeled, because the peas were too mature.

On February 26, 1942, the United States attorney for the Southern District of New York filed a libel against 1,500 cases, each containing 24 No. 2 cans, of peas at New York, N. Y., alleging that the article had been shipped on or about February 4, 1942, by Cambria Canning Corporation from Fall River, Wis.; and charging that it was misbranded in that the term "Fancy" was false and misleading as applied to an article that was not of Fancy quality because the peas were too mature. The article was labeled in part: (Cans) "Pope Brand \* \* \* Fancy Sweet Peas M. De Rosa, Inc., Distributors, New York, N. Y."

On March 20, 1942, M. De Rosa, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

**3338. Misbranding of canned peas. U. S. v. 329 Cases of Canned Peas. Product adjudged misbranded and ordered released under bond for relabeling. (F. D. C. No. 6803. Sample No. 80153-E.)**

Examination showed that this product was not of Fancy quality because the peas were too mature.



On February 5, 1942, the United States attorney for the Northern District of Ohio filed a libel against 329 cases of canned peas at Cleveland, Ohio, alleging that the article had been shipped in interstate commerce on or about October 2 and November 14, 1941, by Comstock Canning Corporation from Newark, N. Y.; and charging that it was misbranded in that the term "Fancy" was false and misleading. The article was labeled in part: "Weideman Boy Brand Fancy Sweet Peas The Weideman Co. Distributors Cleveland, O."

On March 3, 1942, Comstock Canning Corporation, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered finding the product misbranded and ordering that it be released under bond conditioned that it be relabeled under the supervision of the Food and Drug Administration.

**3339. Misbranding of canned mushrooms. U. S. v. 98 Cases of Canned Mushrooms. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 6673. Sample No. 73088-E.)**

This product was not of Fancy grade, as labeled, because of the presence of blemished pieces of mushroom.

On or about January 20, 1942, the United States attorney for the Western District of Missouri filed a libel against 98 cases, each containing 24 cans, of mushrooms at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about November 15, 1941, by Indiana Mushroom Corporation from Niles, Mich.; and charging that it was misbranded. It was labeled in part: (Cans) "Contents 2 Oz. Avd. Shurfine Fancy Grade Sliced Button Mushrooms National Retailer-Owned Grocers, Inc. Distributors \* \* \* Chicago, Ill."

The article was alleged to be misbranded in that the label statement "Fancy Grade" was false and misleading because of the presence of blemished pieces of mushroom consisting of slices with black areas or spots and dark gills.

On March 10, 1942, Indiana Mushroom Corporation having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law under the supervision of the Food and Drug Administration. Subsequently it was relabeled.

**3340. Misbranding of canned spinach. U. S. v. 148 and 198 Cases of Spinach. Consent decrees of condemnation. Product ordered released under bond for relabeling. (F. D. C. Nos. 6720, 6722. Sample Nos. 23558-E, 23556-E.)**

This product was not of Fancy quality because of the presence of yellow leaves, excessive stems, and various extraneous materials such as grass, weeds, straw, and sand or grit.

On January 16 and 17, 1942, the United States attorneys for the Eastern District of Michigan and the Eastern District of New York filed libels against 148 cases of spinach at Detroit, Mich., and 198 cases of spinach at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about December 19 and 27, 1941, A. M. Beebe or A. M. Beebe Co. from San Francisco, Calif.; and charging that it was misbranded in that the term "Fancy" was false and misleading as applied to an article that was not of Fancy quality. The article was labeled in part: (Cans) "Aunt Nellie's Fancy Spinach \* \* \* Distributed by C. B. Geymann, Detroit, Mich."; or "Dixie Lou Fancy Spinach \* \* \* Packed for A. M. Beebe Co., San Francisco."

On February 16 and March 3, 1942, Flotill Products, Inc., Stockton, Calif., claimant for the lot seized at Detroit, Mich., and A. M. Beebe Co., Inc., San Francisco, Calif., claimant for the lot seized at Brooklyn, N. Y., having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

**3341. Misbranding of canned spinach. U. S. v. 749 Cases of Canned Spinach. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 6726. Sample No. 90415-E.)**

Examination showed that this product was not of Fancy quality, as labeled.

On January 19, 1942, the United States attorney for the District of Rhode Island filed a libel against 749 cases, each containing 24 cans, of spinach at Providence, R. I., alleging that the article had been shipped in interstate commerce on or about December 11, 1941, by Deerfield Packing Corporation from Bridgeton, N. J.; and charging that it was misbranded. It was labeled in part: (Cans) "Finast Brand Fancy Spinach Net Weight 1 Lb. 11 Oz. First National Stores Inc. Distributors Somerville, Mass."



The article was alleged to be misbranded in that the term "Fancy" was false and misleading as applied to an article that was not of Fancy quality because of long stems, yellow leaves, a few roots, flowering heads, weeds or grass, and grit or sand.

On February 26, 1942, First National Stores, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

#### **TOMATOES AND TOMATO PRODUCTS**

**3342. Misbranding of canned tomatoes. U. S. v. 57 Cases of Canned Tomatoes. Default decree of condemnation and destruction. (F. D. C. No. 6339. Sample No. 48970-E.)**

Examination showed that this product was substandard in quality because the peel, per pound of canned tomatoes in the container, covered an area of more than 1 square inch.

On or about December 27, 1941, the United States attorney for the Eastern District of South Carolina filed a libel against 57 cases, each containing 24 No. 2 cans, of tomatoes at Columbia, S. C., alleging that the article had been shipped in interstate commerce on or about August 6, 1941, by Burke County Packing Corporation from Waynesboro, Ga.; and charging that it was misbranded. It was labeled in part: (Cans) "Briar Creek Tomatoes."

The article was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard and its label failed to bear in such manner and form as the regulations specify, a statement that it fell below such standard.

On January 21, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. It was disposed of as hog feed.

**3343. Misbranding of canned tomatoes. U. S. v. 23 Cases of Canned Tomatoes. Default decree of condemnation and destruction. (F. D. C. No. 4940. Sample No. 53336-E.)**

This product was substandard in that the drained weight was less than 50 per cent of the water required to fill the container; and the peel, per pound of canned tomatoes in the container, covered an area of more than 1 square inch.

On June 17, 1941, the United States attorney for the District of Arizona filed a libel against 23 cases of canned tomatoes at Yuma, Ariz., alleging that the article had been shipped in interstate commerce on or about March 10 and 11, 1941, by California Sanitary Canning Co., Ltd., from Los Angeles, Calif.; and charging that it was misbranded. The article was labeled in part: (Cans) "Mariposa Brand California Tomatoes."

It was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard and its label failed to bear in such manner and form as the regulations specify, a statement that it fell below such standard.

On July 15, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3344. Misbranding of canned tomatoes. U. S. v. 87 Cases of Canned Tomatoes. Consent decree ordering product released under bond to be relabeled. (F. D. C. No. 6886. Sample No. 80109-E.)**

Examination showed that this product was not of Fancy or Grade A quality, as indicated by the labeling, but was standard or Grade C because of poor color and workmanship. Nearly all of the tomatoes were cut very deeply in coring, allowing more breakdown than found in Fancy or Grade A canned tomatoes.

On February 18, 1942, the United States attorney for the Northern District of Ohio filed a libel against 87 cases, each containing 24 cans, of tomatoes at Cleveland, Ohio, alleging that the article had been shipped in interstate commerce on or about October 14, 1941, by Butler Produce & Canning Co. from Butler, Ind.; and charging that it was misbranded. The article was labeled in part: (Cans) "Contents 1 Lb. 12 Oz. A-1 Tomatoes Packed Exclusively for A-1 Food Products Co. Cleveland, Ohio A-1 Brand is your guarantee of the Finest Quality."

The article was alleged to be misbranded in that the statements "A-1" and "Finest Quality" were false and misleading as applied to an article that was not of Fancy or Grade A quality because of poor color and workmanship.



On March 31, 1942, Sahley Grocery Co., Cleveland, Ohio, claimant, having admitted the allegations of the libel, judgment was entered finding the product misbranded and ordering that it be released under bond to be relabeled under the supervision of the Food and Drug Administration.

**3345. Adulteration of tomato catsup. U. S. v. California Conserving Co., Inc. Plea of nolo contendere. Fine, \$300. (F. D. C. No. 2984. Sample Nos. 12547-E, 21042-E, 56469-D.)**

Examination of this product showed that it contained worm and insect fragments.

On May 6, 1941, the United States attorney for the Northern District of California filed an information against California Conserving Co., Inc., San Francisco, Calif., alleging shipment in interstate commerce on or about December 8, 1939, and May 1 and 8, 1940, from the State of California into the States of Massachusetts and Texas of quantities of tomato catsup that was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: "Monitor Brand Tomato Catsup Packed by California Conserving Co., Inc. San Francisco, U. S. A."; or "Red & White Brand Tomato Catsup Red & White Corp'n, Distributors."

On March 10, 1942, a plea of nolo contendere was entered on behalf of the defendant and the court imposed a fine of \$300.

**Nos. 3346 to 3354** report the seizure and disposition of tomato products that contained decomposed material, as evidenced by the presence of excessive mold.

**3346. Adulteration of tomato catsup. U. S. v. 209 Cases and 704 Cases of Tomato Catsup. Consent decrees of condemnation. Product ordered released under bond for salvaging. (F. D. C. Nos. 6880, 6981. Sample Nos. 73799-E, 73800-E.)**

On February 17 and March 7, 1942, the United States attorney for the District of Nebraska filed libels against 913 cases, each containing 24 14-ounce bottles, of tomato catsup at Omaha, Nebr., alleging that the article had been shipped in interstate commerce on or about July 2, 1941, and January 5 and 21, 1942, by Midwest Food Packers, Inc., from Fowlerton, Ind.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Bottles) "Brimfull Brand Tomato Catsup Distributed by H. A. Marr Grocery Co., Denver, Colorado [or "Kitchen Products Inc. Chicago"]."

On April 11, 1942, Midwest Food Packers, Inc., claimant, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond for salvaging under the supervision of the Food and Drug Administration. The good portion was segregated from the bad and released to the claimant.

**3347. Adulteration of tomato catsup. U. S. v. 175 Cases of Tomato Catsup (and 3 additional seizure actions against tomato catsup). Default decrees of condemnation and destruction. (F. D. C. Nos. 6239, 6384, 6640, 6651. Sample Nos. 66233-E, 79051-E, 79052-E, 79604-E, 79338-E.)**

Between November 21, 1941, and January 5, 1942, the United States attorneys for the Northern District of Illinois, the Northern District of Ohio, and the Eastern District of Kentucky filed libels against 175 cases of tomato catsup at Chicago, Ill., 452 cases at Findley, Ohio, 948 cases at Cleveland, Ohio, and 90 cases at Covington, Ky., alleging that the article had been shipped in interstate commerce within the period from on or about October 14 to on or about December 3, 1941, by the Naas Corporation, or Naas Corporation of Indiana, from Portland and Sunman, Ind.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Bottles) "Su-Z-Q Favorite Tomato Catsup \* \* \* Distributed by Royal Blue Stores, Inc., Chicago, Ill."; "Mrs. Lane's Tomato Catsup \* \* \* Foodland, Inc., Distributors, Cleveland, Ohio"; "Glendale Brand Tomato Catsup \* \* \* Clover Farm Stores Corporation, Distributors, Cleveland, Ohio"; "Dixie Tomato Catsup, Dixie Wholesale Grocery, Incorporated, Covington, Ky."; or "Daisy Hill \* \* \* Pure Tomato Catsup, Distributed by The Weideman Co., Cleveland."

On February 24 and 26 and March 6, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.



**3348. Adulteration of tomato products. U. S. v. 689 Cases of Tomato Puree and 185 Cases of Tomato Catsup. Consent decrees of condemnation. Tomato puree ordered released under bond; tomato catsup ordered destroyed.** (F. D. C. Nos. 6675, 7085. Sample Nos. 4363S-E, 43691-E, 73483-E.)

On January 22 and March 25, 1942, the United States attorneys for the Eastern District of Oklahoma and the District of Kansas filed libels against 689 cases each containing 6 No. 10 cans of tomato puree at Muskogee, Okla., and 185 cases each containing 6 No. 10 cans of tomato catsup at Lawrence, Kans., alleging that the articles had been shipped in interstate commerce on or about February 10 and December 19, 1941, by Pleasant Grove Canning Co. from Orem and Pleasant Grove, Utah; and charging that they were adulterated in that they consisted in whole or in part of decomposed substances. The tomato catsup was labeled in part: (Cans) "Pleasant Grove Brand Catsup." The cans containing the tomato puree were unlabeled.

On March 27, 1942, the consignee for the tomato catsup having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered destroyed. On May 20, 1942, Pleasant Grove Canning Co., claimant for the tomato puree, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law under the supervision of the Food and Drug Administration.

**3349. Adulteration of tomato paste. U. S. v. 81 Cases of Tomato Paste. Consent decree of condemnation. Product ordered released under bond to be denatured.** (F. D. C. No. 4080. Sample No. 42369-E.)

On March 28, 1941, the United States attorney for the Western District of New York filed a libel against 81 cases, each containing 100 6-ounce cans, of tomato paste at Macedon, N. Y., alleging that the article had been shipped in interstate commerce on or about March 6, 1941, by the Springfield Sugar Products Co. from Springfield, Mass.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The shipment consisted of goods originally shipped from Macedon, N. Y., to Springfield, Mass., which were returned to the shipper. The article was labeled in part: (Cans) "Scarlati Tomato Paste With Sweet Basil Packed By Hartmann Canning Company, Inc. Macedon, N. Y."

On July 29, 1941, Hartmann Canning Co., Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be denatured, under the supervision of the Food and Drug Administration, so that it could not be disposed of for human consumption.

**3350. Adulteration of tomato puree. U. S. v. 180 Cases of Dreher's Tomato Puree. Consent decree of condemnation. Product ordered sold as animal feed or destroyed.** (F. D. C. No. 6874. Sample No. 65990-E.)

On February 17, 1942, the United States attorney for the District of Colorado filed a libel against 180 cases, each containing 6 No. 10 cans, of tomato puree at Denver, Colo., which had been consigned by Blackinton & Sons Canning Co., alleging that the article had been shipped in interstate commerce on or about December 6, 1941, from Ogden, Utah; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Dreher's \* \* \* Extra Standard Tomato Puree \* \* \* Packed for the Dreher Pickle Co., Denver, Colorado."

On March 2, 1942, the Perry Canning Co., owner of the product, having signed an acceptance of service and authorization for taking of final decree, judgment of condemnation was entered and it was ordered that the product be sold by the United States marshal to manufacturers of animal feed to be denatured before resale by them—otherwise that it be destroyed.

**3351. Adulteration of tomato puree. U. S. v. 141 Cases and 77 Cases of Tomato Puree. Default decrees of condemnation and destruction.** (F. D. C. Nos. 6977, 7019. Sample Nos. 90676-E, 90677-E.)

On March 5 and 13, 1942, the United States attorney for the District of Massachusetts filed a libel against 218 cases each containing 6 No. 10 cans of tomato puree at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about February 2 and 10, 1942, by Home Canning Co. from Blissfield, Mich.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Johnson's Bestovall [or "Our Table"] Brand Tomato Puree \* \* \* H. A. Johnson Co. Boston and New York Distributors [or "Packed For Webster-Thomas Co., Boston, Mass."]."



On April 21 and May 25, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**3352. Adulteration of tomato puree. U. S. v. 1,483 Cases, 148 Cases, and 25 Cases of Tomato Puree. Default decrees of destruction.** (F. D. C. Nos. 6770, 7156, 7170. Sample Nos. 79655-E, 86546-E, 86618-E.)

This product not only contained mold in all lots, but one lot also contained house flies.

On January 31 and April 6 and 13, 1942, the United States attorneys for the Northern District of Illinois and the Western District of Kentucky filed libels against 1,508 cases each containing 6 No. 10 cans of tomato puree at Chicago, Ill., and 148 cases each containing 6 No. 10 cans of tomato puree at Louisville, Ky., alleging that the article had been shipped in interstate commerce within the period from on or about November 13, 1941, to on or about February 4, 1942, by the George Canning Co. or George Canning Corporation from Morgantown, Ind.; and charging that it was adulterated. A portion was labeled in part: (1,483 cases, cans) "Natural Brand Tomato Puree \* \* \* Packed For B. A. Railton Co. Chicago, Ill." The remainder was unlabeled.

The tomato puree in one lot seized at Chicago and the lot seized at Louisville was alleged to be adulterated in that it consisted in whole or in part of a decomposed substance. The remainder was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed substance.

On April 10 and May 11 and 12, 1942, no claimant having appeared, judgments were entered ordering that the product be destroyed.

**3353. Adulteration of tomato puree. U. S. v. 135 Cases of Tomato-Puree. Consent decree of condemnation. Product ordered denatured and sold as animal food.** (F. D. C. No. 6913. Sample No. 65999-E.)

On February 26, 1942, the United States attorney for the District of Colorado filed a libel against 135 cases each containing 6 No. 10 cans of tomato puree at Denver, Colo., which had been consigned by Perry Canning Co., alleging that the article had been shipped in interstate commerce on or about September 27, 1941, from Ogden, Utah; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On March 11, 1942, Perry Canning Co. having signed an acceptance of service and authorization for taking of final decree, judgment of condemnation was entered and the product was ordered denatured and sold as animal food.

**3354. Adulteration of tomato puree. U. S. v. 998 Cases and 294 Cases of Tomato Puree. Default decrees of condemnation. Portion of product ordered delivered to a Federal institution; remainder ordered destroyed.** (F. D. C. Nos. 6627, 6647. Sample Nos. 73379-E, 75000-E.)

On or about January 5 and 16, 1942, the United States attorneys for the District of Connecticut and the Western District of Missouri filed libels against 998 cases each containing 6 No. 10 cans of tomato puree at Hartford, Conn., and 294 cases each containing 6 No. 10 cans of tomato puree at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about September 10 and November 27 and 28, 1941, by Vincennes Packing Corporation from Plainville and Washington, Ind.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. A portion of the article (294 cases) was labeled in part: (Cans) "Pickwick Tomato Puree \* \* \* Distributed by Pickwick Products, Inc., Kansas City, Mo." The cans in the remaining cases were unlabeled.

On April 20 and 24, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed. On May 1, 1942, the decree of April 24, condemning the 998 cases, was amended to permit delivery of the product to a Federal institution to be used as hog feed only, and not for human consumption.

**3355. Adulteration of tomato sauce. U. S. v. 480 Cases of Tomato Sauce. Decree of condemnation and destruction with costs.** (F. D. C. No. 3782. Sample No. 46741-E.)

Examination showed that this product contained mold and insect fragments.

On February 7, 1941, the United States attorney for the District of Puerto Rico filed a libel against 480 cases, each containing 72 cans, of tomato sauce at San Juan, P. R., alleging that the article had been shipped in interstate commerce on or about November 26, 1940, by Tuggle-Edstrom Co. (California Food Products) from San Francisco, Calif.; and charging that it was adulterated in



that it consisted wholly or in part of a filthy and decomposed substance. It was labeled in part: "Lido Tomato Sauce with Salt, Peppers and Spices."

On or about February 27, 1941, Freiria Hermanos & Cia., S. en C., San Juan, P. R., filed a claim for 18 cases of the product and petitioned an extension of the return date to April 7, 1941, and Stockton Food Products, Inc., Stockton, Calif., filed a claim for the entire lot and admitted the allegations of the libel and prayed release of the product under bond. On April 22, 1942, no further action having been taken by either claimant, judgment of condemnation was entered and it was ordered that the product be destroyed and that the costs be taxed against the claimants.

#### OTHER FRUIT AND VEGETABLE PRODUCTS

**3356. Adulteration of apple butter. U. S. v. 82 Cases of Apple Butter. Default decree of condemnation and destruction.** (F. D. C. No. 6189. Sample No. 71106-E.)

This product contained rodent hairs and insect fragments.

On November 8, 1941, the United States attorney for the Southern District of Illinois filed a libel against 82 cases of apple butter at Peoria, Ill., alleging that the article had been shipped in interstate commerce on or about October 6, 1941, by Kroger Grocery & Baking Co. from St. Louis, Mo.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: (Jars) "Kroger's Country Club Quality Brand Apple Butter."

On March 23, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3357. Adulteration of apple butter. U. S. v. 700 Cases and 47 Cases of Apple Butter. Default decrees of condemnation and destruction.** (F. D. C. Nos. 6260, 6296. Sample Nos. 49056-E, 67931-E.)

Examination showed that this product contained rodent hairs and insect fragments.

On November 26 and December 3, 1941, the United States attorneys for the Northern District of Texas and the Eastern District of Arkansas filed libels against 700 cases each containing 12 jars of apple butter at Dallas, Tex., and 47 cases each containing 12 jars of apple butter at Little Rock, Ark., alleging that the article had been shipped in interstate commerce on or about September 11 and 17, 1941, by Preserves, Inc., from St. Louis, Mo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, and decomposed substance. The article was labeled in part: (Jars) "Parkdale [or "Blue Star"] Pure Apple Butter \* \* \* Net Wt. 1 Lb. 12 Oz. [or "2 Lbs."]."

On January 12 and March 26, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed. The decree of January 12 provided, however, that Preserves, Inc., might reclaim the caps and jars in the 700 cases seized at Dallas, upon payment of all costs incident to such reclamation.

**3358. Misbranding of canned apple sauce. U. S. v. 128 Cases of Canned Apple Sauce. Consent decree of condemnation. Product ordered released under bond for relabeling.** (F. D. C. No. 6643. Sample No. 37590-E.)

This product was not Fancy because of a number of defects, consisting of several fairly large pieces of peel, portions of seeds and of calyx ends, and carpels, in addition to countless small black and brown specks.

On January 2, 1942, the United States attorney for the Northern District of Georgia filed a libel against 128 cases of canned apple sauce at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about October 19, 1941, by the Bowman Apple Products Co. from Mount Jackson, Va.; and charging that it was misbranded. The article was labeled in part: (Can) "Bowman's Fancy Apple Sauce."

It was alleged to be misbranded in that the label statement "Fancy" was false and misleading when applied to an article that was not Fancy because of its numerous defects.

On January 23, 1942, the Bowman Apple Products Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling, under the supervision of the Food and Drug Administration.



**3359. Adulteration of jelly. U. S. v. 37 Cartons, 75 Tins, and 200 Tins of Jelly. Default decrees of condemnation and destruction.** (F. D. C. Nos. 6955, 6996, 7000. Sample Nos. 89310-E, 89314-E, 89316-E.)

Examination showed that this product was contaminated with filth, such as insect fragments and hairs resembling rodent hairs.

On March 2, 6, and 9, 1942, the United States attorneys for the Southern and the Eastern Districts of New York filed libels against 37 30-pound cartons and 75 30-pound tins of jelly at New York, and 200 30-pound tins of jelly at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about February 6, 13, and 20, 1942, by White Cap Preserves, Inc., from Whippany, N. J.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Aranbee Brand Highest Quality Pure Apple & Raspberry Jelly," or "Fanco Brand [or "White Cap \* \* \*"] Imitation Apple Jelly."

On March 19 and April 8 and 23, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**3360. Adulteration of imitation fruit jelly. U. S. v. 10 Cartons of Imitation Fruit Jelly. Default decree of condemnation and destruction.** (F. D. C. No. 6382. Sample No. 74899-E.)

Examination showed that this product contained rodent hairs, insect fragments, and miscellaneous filth fragments.

On December 8, 1941, the United States attorney for the District of Connecticut filed a libel against 10 cartons each containing 1 30-pound can of imitation fruit jelly at New Britain, Conn., alleging that the article had been shipped in interstate commerce on or about November 6, 1941, by Vienna Extract Co., Inc., from Brooklyn, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might become contaminated with filth. The article was labeled in part: (Cans) "D. L. Brand Imitation Fruit Jelly."

On May 19, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3361. Misbranding of strawberry jelly. U. S. v. 51½ Cases of Jelly. Default decree of condemnation and destruction.** (F. D. C. No. 6705. Sample No. 83243-E.)

Examination showed that this product fell below the standard of quality for strawberry jelly, since it was insufficiently concentrated by heat, as evidenced by the fact that its soluble-solids content was less than 65 percent. It was also short of the declared weight.

On January 17, 1942, the United States attorney for the Eastern District of Louisiana filed a libel against 51½ cases of strawberry jelly at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about December 27, 1941, by Martin Food Products, Inc., from Chicago, Ill.; and charging that it was misbranded. It was labeled in part: (Jar) "Pal Brand Net Wt. 8 Ozs. Pure Strawberry Jelly."

The article was alleged to be misbranded (1) in that the statement "Net Wt. 8 Ozs." was false and misleading as applied to an article that was short weight; (2) in that it was in package form and its label did not bear an accurate statement of the quantity of contents; and (3) in that it purported to be a food for which a definition and standard of identity had been prescribed by regulations as provided by law, but it did not conform to such definition and standard because the soluble-solids content was less than 65 percent.

On March 25, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3362. Adulteration of fruit peel and jam. U. S. v. 1 Barrel Each of Chopped Orange Peel and Chopped Lemon Peel (and 2 seizure actions against jam). Default decrees of condemnation and destruction.** (F. D. C. Nos. 6583, 6584, 6592. Sample Nos. 59712-E, 63000-E, 80042-E, 80043-E.)

These products contained insect fragments, rodent hairs, and miscellaneous filth.

On December 23 and 24, 1941, the United States attorney for the Southern District of Ohio, the Eastern District of Michigan, and the District of Maryland filed libels against 1 barrel containing 472 pounds of chopped orange peel and 1 barrel containing 447 pounds of chopped lemon peel at Cincinnati, Ohio; 6 pails containing 330 pounds of plum jam at Detroit, Mich.; and 7 pails containing 380 pounds of orange jam at Baltimore, Md., alleging that the articles had been



shipped in interstate commerce within the period from on or about October 31 to on or about November 25, 1941, by Bakers Food Products Co. from New York, N. Y.; and charging that they were adulterated in that they consisted in whole or in part of filthy substances; and in that they had been prepared, packed, or held under insanitary conditions whereby they might have become contaminated with filth.

On February 5, 10, and 16, 1942, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

**3363. Adulteration of jam and fruit butter. U. S. v. 3 Cases and 5 Cases of Jam and 5 Cases of Fruit Butter. Default decrees of condemnation and destruction.** (F. D. C. Nos. 6154, 6155. Sample Nos. 74070-E, 74072-E, 74073-E.)

These products contained rodent hairs and insect fragments.

On or about November 10, 1941, the United States attorney for the District of Connecticut filed libels against a total of 8 cases of jam and 5 cases of fruit butter at Bridgeport, Conn., alleging that the articles had been shipped in interstate commerce on or about September 3 and 24, 1941, by Max Ams from New York, N. Y.; and charging that they were adulterated in that they consisted in whole or in part of filthy substances, and in that they had been prepared under insanitary conditions whereby they might have become contaminated with filth. The articles were labeled in part: (Jars) "Bluebell Golden Lacqua A Pure Jam Made from the California Dried Apricot"; or Bluebell Pure Lacqua Fruit Butter."

On April 24, 1942, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

**3364. Adulteration and misbranding of preserves. U. S. v. 24 Cases, 10 Cases, 10 Cases, and 16 Cases of Preserves. Default decree of condemnation and destruction.** (F. D. C. No. 5090. Sample Nos. 53340-E to 53343-E, incl.)

These products were deficient in fruit.

On July 29, 1941, the United States attorney for the District of Arizona filed a libel against 60 cases, each containing 12 2-pound jars, of preserves at Yuma, Ariz., alleging that the articles had been shipped in interstate commerce on or about February 27 and May 1, 1941, by Crown Products Corporation from Los Angeles, Calif.; and charging that they were adulterated and misbranded. They were labeled in part: (Jars) "Lady's Choice Pure Strawberry [or "Apricot," "Peach," "Raspberry," "Blackberry," "Black Raspberry," "Loganberry," "Youngberry," or "Boysenberry"] Preserves."

The articles were alleged to be adulterated in that imitation strawberry, apricot, peach, raspberry, and blackberry preserves, deficient in fruit, had been substituted in whole or in part for strawberry, apricot, peach, raspberry, and blackberry preserves.

They were alleged to be misbranded (1) in that the names "Pure Strawberry Preserves," "Pure Apricot Preserves," "Pure Peach Preserves," "Pure Raspberry Preserves," and "Pure Blackberry Preserves" were false and misleading as applied to articles that were deficient in fruit; (2) in that they were imitations of other foods and their labels fail to bear, in type of uniform size and prominence, the word "imitation" and immediately thereafter the name of the food imitated; and (3) in that they purported to be foods for which definitions and standards of identity had been prescribed by regulations as provided by law, but they failed to conform to such definitions and standards.

On October 10, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3365. Adulteration of sweet relish. U. S. v. 14 Cases, 1 Barrel, and 82 Cases of Sweet Relish. Default decrees of condemnation and destruction.** (F. D. C. Nos. 6957 to 6959, incl. Sample Nos. 70505-E, 70507-E, 70508-E.)

Examination showed that this product contained insect fragments.

On or about March 5, 1942, the United States attorney for the Southern District of Florida filed libels against 14 cases each containing 24 8-fluid-ounce jars, 82 cases each containing 12 pint jars, and 1 barrel containing 45 gallons of sweet relish at Jacksonville, Fla., alleging that the article had been shipped in interstate commerce on or about January 19, 20, and 31, 1942, by Cairo Pickle Co. or W. B. Roddenbery Co. from Cairo, Ga.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: (Jars in cases) "Cairo Beauties brand [or "Pickle Patch 1 Pint"] Sweet Relish." The remainder was unlabeled.

On April 27, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.



## DRIED FRUITS AND VEGETABLES

**3366. Adulteration of dried apples. U. S. v. 540 Bags and 18 Bags of Dried Apples. Decrees of condemnation. Portion of product ordered released under bond for segregation and destruction of unfit portion; remainder ordered destroyed.** (F. D. C. Nos. 6302, 6324. Sample Nos. 54705-E, 59494-E.)

Examination showed that this product contained insect fragments and rodent hairs.

On November 28 and December 1, 1941, the United States attorneys for the Eastern District of Pennsylvania and the Eastern District of Virginia filed libels against 540 bags of dried apples at Philadelphia, Pa., and 18 bags of dried apples at Portsmouth, Va., alleging that the article had been shipped in interstate commerce on or about October 18 and 22 and November 1, 1941, by E. E. Eller Produce Co., Inc., from North Wilkesboro, N. C.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been packed and held under insanitary conditions whereby it might have become contaminated with filth. The bags containing the product were unlabeled.

On January 23, 1942, E. E. Eller Produce Co., Inc., having appeared as claimant for the product seized at Philadelphia, judgment of condemnation was entered and it was ordered released under bond for segregation and destruction of the unfit portion under the supervision of the Food and Drug Administration. On February 28, 1942, no claimant having appeared for the apples seized at Portsmouth, judgment of condemnation was entered and the product was ordered destroyed.

**3367. Adulteration of dried figs. U. S. v. 8 Cases of Figs. Default decree of condemnation and destruction.** (F. D. C. No. 6683. Sample No. 85129-E.)

Examination showed that this product was infested with mites.

On January 9, 1942, the United States attorney for the Western District of Washington filed a libel against 8 cases each containing 25 pounds of dried figs at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about April 31, 1941, by California Packing Corporation from San Francisco, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Roeding's Fancy Quality Sphinx Brand Black Figs Sun Dried \* \* \* Packed By Roeding Fig & Olive Co. Fresno Calif."

On April 27, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3368. Misbranding of pitted dates. U. S. v. 14 Dozen Packages of Pitted Dates. Default decree of condemnation. Product ordered delivered to a local charitable agency.** (F. D. C. No. 6526. Sample No. 84704-E.)

This product occupied only about 82.4 percent of the capacity of its container.

On December 16, 1941, the United States attorney for the District of New Jersey filed a libel against 14 dozen packages of pitted dates at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about November 12, 1941, by the American Fig & Date Co. from New York, N. Y.; and charging that it was misbranded in that its container was so made, formed, or filled as to be misleading. The article was labeled in part: "Spear Brand Pitted Dates 6 Ozs. Net Wgt."

On January 19, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a local charitable agency, conditioned that said agency first destroy the labels.

**3369. Adulteration of dried peaches. U. S. v. 235 Boxes of Dried Peaches. Default decree of condemnation and destruction.** (F. D. C. No. 6860. Sample No. 71679-E.)

Examination showed that this product was insect-infested and dirty.

On February 12, 1942, the United States attorney for the Eastern District of Arkansas filed a libel against 235 25-pound boxes of dried peaches at Paragould, Ark., alleging that the article had been shipped in interstate commerce on or about November 13, 1941, by Hurt Grocer Co. from Memphis, Tenn.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Sail-Maker Brand Recleaned California Peaches Packed By Vagin Packing Co. Fresno, Cal."

On April 15, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.



Nos. 3370 to 3373 report the seizure and disposition of dried fruits that were insect-infested.

**3370. Adulteration of evaporated peaches. U. S. v. 300 Boxes and 221 Boxes of Peaches. Decrees of condemnation and destruction.** (F. D. C. Nos. 6609, 7082. Sample Nos. 39784-E, 71732-E, 71757-E.)

On December 31, 1941, and March 21, 1942, the United States attorneys for the Northern District of Illinois and the Western District of Tennessee filed libels against 300 25-pound boxes of peaches at Chicago, Ill., and 221 25-pound boxes of peaches at Lexington, Tenn., alleging that the article had been shipped in interstate commerce on or about October 27, 1941, by Vagim Packing Co. from Fresno, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Sail-Maker Brand Recleaned California Peaches."

On April 10, 1942, no claimant having appeared for the peaches seized at Chicago, judgment of condemnation was entered and the product was ordered destroyed. On June 1, 1942, the consignee of the lot seized at Lexington having appeared for the purpose of securing samples but having taken no further action and no other claimant or intervenor having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3371. Adulteration of dried pears. U. S. v. 818 Cases of Dried Pears. Default decree of condemnation and destruction.** (F. D. C. No. 6352. Sample No. 22865-E.)

On December 10, 1941, the United States attorney for the Southern District of New York filed a libel against 818 cases each containing 25 pounds of dried pears at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about November 14, 1941, by Jack Gomperts & Co. from Oakland, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Victoria Brand Extra Choice California Pears Distributors Catz American Co. Inc. New York N. Y."

On April 9, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3372. Adulteration of prunes. U. S. v. 32 Boxes of Prunes. Default decree of condemnation and destruction.** (F. D. C. No. 6769. Sample No. 85768-E.)

On January 29, 1942, the United States attorney for the Western District of Washington filed a libel against 32 25-pound boxes of prunes at Tacoma, Wash., alleging that the article had been shipped in interstate commerce on or about August 13, 1941, by H. S. Gile & Co. from Roseburg, Oreg.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Beaver Brand Evaporated \* \* \* Prunes."

On April 11, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3373. Adulteration of raisins. U. S. v. 18 Cases of Raisins. Default decree of condemnation and destruction.** (F. D. C. No. 6818. Sample No. 85615-E.)

On February 7, 1942, the United States attorney for the Western District of Washington filed a libel against 18 cases each containing 30 pounds of raisins at Bellingham, Wash., alleging that the article had been shipped in interstate commerce on or about October 12, 1940, by the Northern Grocery Co. from Alameda, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Sun King Brand Fancy Seeded Muscat Raisins, California Raisin Co., Fresno, California."

On April 27, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

Nos. 3374 to 3376 report the seizure and disposition of beans that were insect-infested and moldy.

**3374. Adulteration of red kidney beans. U. S. v. 38 Bags of Beans. Default decree of condemnation and destruction.** (F. D. C. No. 6830. Sample No. 83674-E.)

On February 10, 1942, the United States attorney for the Eastern District of Louisiana filed libels against 38 100-pound bags of dried beans at New Orleans, La., alleging that the article had been shipped in interstate commerce by Cooperative G. L. F. Produce, Inc., from Phelps, N. Y., on or about February 24, 1941;



and charging that it was adulterated in that it consisted in whole or in part of a filthy and decomposed substance.

On March 25, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3375. Adulteration of red kidney beans. U. S. v. 47 Bags of Beans. Default decree of condemnation and destruction. (F. D. C. No. 6842. Sample No. 83676-E.)**

On February 10, 1942, the United States attorney for the Eastern District of Louisiana filed a libel against 47 100-pound bags of beans at New Orleans, La., alleging that the article had been shipped in interstate commerce by Elmer G. Porter from Gaywood, N. Y., on or about February 22, 1941; and charging that it was adulterated in that it consisted in whole or in part of a filthy and decomposed substance. The article was labeled in part: "G. L. F. Quality \* \* \* Packed By Cooperative G. L. F. Produce, Inc. Phelps N. Y."

On March 25, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3376. Adulteration of dried white beans. U. S. v. 60 Bags of Beans. Default decree of condemnation and destruction. (F. D. C. No. 6829. Sample No. 83671-E.)**

On February 10, 1942, the United States attorney for the Eastern District of Louisiana filed libels against 60 100-pound bags of beans at New Orleans, La., alleging that the article had been shipped in interstate commerce by Yale Elevator Co. from Yale, Mich., on or about December 7, 1940; and charging that it was adulterated in that it consisted in whole or in part of a filthy and decomposed substance.

On March 25, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

## POULTRY

Nos. 3377 to 3383 report actions based on interstate shipments of poultry that was in whole or in part the product of diseased animals and/or decomposed.

**3377. Adulteration of turkeys. U. S. v. John Raymond Clymer (Denison Poultry & Egg Co.). Plea of nolo contendere. Fine, \$50. (F. D. C. No. 5483. Sample No. 56512-E.)**

On November 10, 1941, the United States attorney for the Eastern District of Texas filed an information against John Raymond Clymer, trading as Denison Poultry & Egg Co. at Denison, Tex., alleging shipment on or about December 9, 1940, from the State of Texas into the State of New York of a quantity of turkeys that were adulterated in that they were in whole or in part the product of diseased animals.

On April 6, 1942, the defendant having entered a plea of nolo contendere, the court imposed a fine of \$50.

**3378. Adulteration of dressed poultry. U. S. v. Cranbury Feed, Poultry & Hatchery, Inc., and Michael Pack. Pleas of guilty. Corporation fined \$150 on count 1 and \$1,000 on remaining counts; payment of \$1,000 fine suspended. Individual defendant fined \$100 on count 1; fined \$1,000 on remaining counts with jail sentence of 3 months, but payment of latter fine and imposition of jail sentence suspended and defendant placed on probation for 1 year. (F. D. C. No. 2972. Sample Nos. 34458-E, 34475-E.)**

This product was found to consist in part of diseased and emaciated poultry, or of poultry that had died otherwise than by slaughter.

On October 15, 1941, the United States attorney for the District of New Jersey filed an information against Cranbury Feed, Poultry & Hatchery, Inc., Cranbury, N. J., and Michael Pack, alleging shipment in interstate commerce on or about September 27, October 11, and November 29, 1940, from the State of New Jersey into the State of New York of quantities of dressed poultry that was adulterated.

The article was alleged to be adulterated in that it was in whole or in part the product of diseased animals, and in that it was in whole or in part unfit for food. Portions were alleged to be adulterated further in that it was in whole or in part the product of animals which had died otherwise than by slaughter.

On January 30, 1942, pleas of guilty having been entered on behalf of both defendants, the court imposed on the corporation a fine of \$150 on count 1 and



finer of \$500 on each of counts 2 and 3, which latter fines were suspended. The individual defendant was fined \$100 by the court on count 1 and \$500 each on counts 2 and 3 and in addition was given a sentence of 3 months. The jail sentence and the \$500 fines imposed on the individual defendant were suspended by the court, and the defendant was placed on probation for 1 year.

**3379. Adulteration of dressed poultry. U. S. v. Furman & Co., Inc., and Jacob Furman. Pleas of guilty. Fines of \$15 and \$10. (F. D. C. No. 2959. Sample No. 34460-E.)**

On April 3, 1941, the United States attorney for the District of Massachusetts filed an information against Furman & Co., Inc., a corporation, and Jacob Furman, its president, Canton, Mass., alleging shipment in interstate commerce on or about September 30, 1940, from the State of Massachusetts into the State of New York of a quantity of poultry that was adulterated in that it consisted in whole or in part of the product of diseased animals, namely, diseased poultry.

On April 21, 1942, pleas of guilty were entered on behalf of both defendants and the court imposed a fine of \$15 against the corporation and \$10 against the individual defendant.

**3380. Adulteration of poultry. U. S. v. 13 Boxes, 8 Boxes, and 4 Boxes of Fowl. Default decrees of condemnation and destruction. (F. D. C. Nos. 6908 to 6910, incl. Sample Nos. 62452-E to 62454-E, incl.)**

On February 5, 1942, the United States attorney for the Northern District of Illinois filed libels against 25 boxes of poultry at Chicago, Ill., alleging that the article had been shipped in interstate commerce within the period from on or about July 24 to on or about October 29, 1941, by Lanesboro Produce & Hatchery Co. from Wells, Minn.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance, and in that it was in whole or in part the product of diseased animals.

On April 8, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**3381. Adulteration of poultry. U. S. v. 13 Barrels of Poultry. Default decree of condemnation and destruction. (F. D. C. No. 7057. Sample No. 69375-E.)**

On March 20, 1942, the United States attorney for the Southern District of New York filed a libel against 13 barrels of poultry at New York, N. Y., alleging that the article had been shipped on or about March 10, 1942, by the Eagle Poultry Co. from Frankford, Del.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance, decomposed poultry, and was in whole or in part the product of diseased animals. The article was labeled in part: "Blanchard."

On April 8, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3382. Adulteration of poultry. U. S. v. 3 Barrels of Broilers. Default decree of condemnation and destruction. (F. D. C. No. 6911. Sample No. 62455-E.)**

On February 6, 1942, the United States attorney for the Northern District of Illinois filed a libel against 3 barrels of broilers at Chicago, Ill., alleging that the article had been shipped in interstate commerce on January 21, 1942, by the Detroit Refrigerating Co. from Detroit, Mich.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On April 8, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3383. Adulteration of dressed chickens. U. S. v. 1 Barrel of Dressed Chickens. Default decree of condemnation and destruction. (F. D. C. No. 6907. Sample No. 62451-E.)**

On January 23, 1942, the United States attorney for the Northern District of Illinois filed a libel against 1 barrel of dressed chickens at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about December 31, 1941, by Pruitt Produce Co. from Muskogee, Okla.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On April 24, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.



## NUTS AND NUT PRODUCTS

Nos. 3384 to 3387 report actions based on interstate shipments of pecans that were contaminated with fecal *Escherichia coli*.

**3384. Adulteration of pecan pieces. U. S. v. Isadore J. Fisher (John Fisher Pecan Co.). Plea of nolo contendere. Fine of \$50 on one count and \$100 on the remaining four counts; payment of latter suspended for 1 year.** (F. D. C. No. 5533. Sample Nos. 21838-E, 21839-E, 43244-E, 47230-E, 47232-E, 47233-E, 47248-E.)

On January 16, 1942, the United States attorney for the Northern District of Texas filed an information against Isadore J. Fisher, trading as John Fisher Pecan Co., Dallas, Tex., alleging shipment within the period from on or about December 24, 1940, to on or about February 17, 1941, from the State of Texas into the States of Illinois, Nebraska, and California of quantities of pecan pieces which were adulterated in that they consisted in whole or in part of filthy substances. Portions of the article were labeled in part: "Lone [design of star] Brand."

On February 24, 1942, a plea of nolo contendere was entered on behalf of the defendant, and the court imposed a fine of \$50 on the first count of the information and \$100 on the remaining four counts, payment of the latter fine being suspended for 1 year.

**3385. Adulteration of pecans. U. S. v. 4 Cases of Pecans, et al. Default decree of condemnation and destruction.** (F. D. C. No. 6879. Sample No. 54477-E.)

On February 14, 1942, the United States attorney for the Eastern District of Pennsylvania filed a libel against 4 cases each containing 10 5-pound cartons and 4 cases each containing 60 pounds of pecan meats at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about January 19, 1942, by Acker Pecan Products Co. from Albany, Ga.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, to wit, *Escherichia coli* and rodent hairs.

On April 1, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3386. Adulteration of pecan meats. U. S. v. 14 Boxes of Pecan Meats. Default decree of condemnation and destruction.** (F. D. C. No. 6761. Sample No. 70309-E.)

On or about January 30, 1942, the United States attorney for the Southern District of Florida filed a libel against 5 30- or 35-pound boxes, 1 20-pound box, and 8 5-pound boxes of pecan meats at Miami, Fla., alleging that the article had been shipped in interstate commerce on or about January 3, 1942, by Blumenfeld Pecan Co. from Hartford, Ala.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On April 21, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3387. Adulteration of pecans. U. S. v. 2 Cartons and 2 Cartons of Pecans. Default decree of condemnation and destruction.** (F. D. C. No. 7051. Sample No. 84269-E.)

On March 17, 1942, the United States attorney for the Eastern District of New York filed a libel against 4 cartons of pecans at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about February 20, 1942, by Wilder Pecan Co. from Albany, Ga.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On April 22, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3388. Adulteration of pecans. U. S. v. 5 Cases of Pecans. Default decree of condemnation and destruction.** (F. D. C. No. 6694. Sample No. 85753-E.)

This product was infested with live insects and worms.

On January 14, 1942, the United States attorney for the Western District of Washington filed a libel against 5 cases each containing 60 pounds of pecan halves and pieces at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about October 6, 1941, by Azar Bros. from El Paso, Tex.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On April 27, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.



**3389. Adulteration of walnuts. U. S. v. 48 Bags of Walnuts. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of unfit portion.** (F. D. C. No. 6375. Sample No. 84202-E.)

Examination of this product showed the presence of wormy, moldy, rancid, and decomposed nuts.

On December 9, 1941, the United States attorney for the Southern District of New York filed a libel against 48 100-pound bags of walnuts at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about October 15, 1940, by B & O Nut Corporation from San Francisco, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Tip-Top Brand Jumbo Payne Walnuts."

On January 9, 1942, B & O Nut Corporation, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for segregation and destruction of the unfit portion under the supervision of the Food and Drug Administration.

**3390. Adulteration of mixed nuts. U. S. v. 125 Cartons of Nuts. Consent decree of condemnation. Product ordered released under bond for destruction of unfit portion.** (F. D. C. No. 6520. Sample Nos. 79350-E, 79351-E.)

Examination of this product showed the presence of moldy, rancid, or decomposed Brazil nuts.

On December 15, 1941, the United States attorney for the Northern District of Ohio filed a libel against 125 25-pound cartons of mixed nuts at Canton, Ohio, alleging that the article had been shipped in interstate commerce on or about October 9 and November 21, 1941, by Red Line Commercial Co., Inc., from New York, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Carton) "Poppy Brand Choice Mixed Nuts \* \* \* Purity Spice & Seed Mills New York, N. Y."

On March 11, 1942, Red Line Commercial Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for destruction of the unfit portion under the supervision of the Food and Drug Administration.

#### PEANUT BUTTER

**3391. Adulteration of peanut butter. U. S. v. 20 Cases, 15 Cases, and 22 Cases of Peanut Butter (and 2 other seizure actions against peanut butter). Default decrees of condemnation and destruction.** (F. D. C. Nos. 6790, 6791, 6932, 6933. Sample Nos. 70415-E, 70417-E, 70733-E, 70736-E.)

Examination showed that this product was contaminated with filth, such as rodent hair fragments, insect fragments, and dirt.

On January 30 and February 27, 1942, the United States attorneys for the Eastern District of Tennessee and the Western District of North Carolina filed libels against the following quantities of peanut butter: 35 cases each containing 12 2-pound jars, 20 cases each containing 24 1-pound jars, and 22 cases each containing 24 6-ounce jars at Chattanooga, Tenn.; and 32 cases each containing 24 6-ounce jars at Hickory, N. C., and 300 cases each containing 24 6-ounce jars at Charlotte, N. C., alleging that the article had been shipped in interstate commerce on or about December 9 and 31, 1941, and January 3 and 17, 1942, by Dillon Candy Co. from Jacksonville, Fla.; and charging that it was adulterated. It was labeled in part: (Jars) "Dillon's Peanut Butter."

The portion of the product at Chattanooga was alleged to be adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance or was otherwise unfit for food. The remainder was alleged to be adulterated in that it consisted in whole or in part of a filthy substance.

On or about March 16 and on April 6, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**3392. Adulteration of peanut butter. U. S. v. 79 Cases and 45 Cases of Peanut Butter. Default decrees of condemnation and destruction.** (F. D. C. Nos. 7034, 7035. Sample Nos. 70744-E, 70745-E.)

Examination showed that this product contained dirt.

On March 21, 1942, the United States attorney for the Western District of North Carolina filed libels against 79 cases of peanut butter at Lincolnton, N. C., and 45 cases of peanut butter at Statesville, N. C., alleging that the article had been shipped in interstate commerce on or about January 10 and 20, 1942, by Robertson Peanut Co. from Clayton, Ala.; and charging that it was adulterated



in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Delicious Brand Peanut Butter Peanuts and Salt."

On May 23, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**3393. Misbranding of peanut butter. U. S. v. 299 Cases and 89 Cases of Peanut Butter. Consent decree of condemnation. Product ordered released under bond for repackaging.** (F. D. C. No. 7016. Sample Nos. 71281-E, 71282-E.)

Examination showed that this product was short of the declared weight.

On March 12, 1942, the United States attorney for the Eastern District of Missouri filed a libel against 388 cases of peanut butter at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about January 15, 1942, by Sweet Adeline Foods, Inc., from Louisville, Ky.; and charging that it was misbranded. The article was labeled in part: "Red Robe Brand Pure Peanut Butter \* \* \* Cont. 16 Ozs. General Grocer Co. St. Louis, Mo."; or "Nation Wide Pure Peanut Butter \* \* \*. Cont. 16 Ozs. Nation Wide Service Grocers St. Louis, Mo."

It was alleged to be misbranded in that the statement "Cont. 16 Ozs." was false and misleading as applied to an article that was short weight; and in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

On April 27, 1942, the General Grocer Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reshipped to Sweet Adeline Foods, Inc., to be repackaged under the supervision of the Food and Drug Administration.

### OLIVE OIL

Nos. 3394 to 3399 report actions based on interstate shipments of vegetable oil containing little or no olive oil (portions of which were artificially colored and flavored) that were labeled as consisting either entirely or in large part of olive oil. In practically all cases the essential ingredient was identified as cottonseed oil.

**3394. Adulteration and misbranding of olive oil. U. S. v. Columbia Tea Co. Plea of guilty. Fine, \$250 on 1 count; imposition of sentence on remaining counts suspended.** (F. D. C. No. 5484. Sample Nos. 36626-E to 36628-E, incl.)

On October 20, 1941, the United States attorney for the District of Rhode Island filed an information against Columbia Tea Co., a corporation, Providence, R. I., alleging delivery for introduction in interstate commerce on or about September 23 and October 7, 1940, from the State of Rhode Island into the State of Massachusetts of quantities of olive oil which was adulterated and misbranded. It was labeled in part: "Puglia Brand Superfine Pure Olive Oil"; or "Pure Stella Alpino Brand Imported Olive Oil."

The article was alleged to be adulterated (1) in that a substance consisting essentially of cottonseed oil, artificially flavored and artificially colored and containing little or no olive oil had been substituted wholly or in part for olive oil, which it purported to be; (2) in that it was inferior to olive oil, and its inferiority had been concealed by the addition of artificial flavor and artificial color; and (3) in that artificial flavor and artificial color had been added thereto or mixed or packed therewith so as to make it appear better and of greater value than it was.

It was alleged to be misbranded: (1) In that (Puglia brand) the design of a crown, shield and olive branches and fruit, and the statements "Imported Pure Olive Oil \* \* \* Superfine Pure Olive Oil Imported from Lucca-Italy \* \* \* This olive oil is guaranteed to be absolutely pure under any chemical analysis. Recommended for table use and medicinal purposes [and similar statements in Italian]," and (Stella Alpino brand) "Imported from Italy \* \* \* Pure \* \* \* Imported Olive Oil \* \* \* This imported Olive Oil is guaranteed by us to be absolutely pure and specially adapted for medicinal and table uses [and similar statements in Italian]," borne on the labels, were false and misleading in that they represented and suggested that the article consisted wholly of olive oil imported from Italy; whereas it did not consist wholly of olive oil imported from Italy. (2) In that it was offered for sale under the name of another food, namely, olive oil. (3) In that it was an imitation of another food and its label did not bear in type of uniform size and prominence the word "imitation," and immediately thereafter the name of the



food imitated, i. e., olive oil. (4) In that it was in package form and did not bear a label containing the name and place of business of the manufacturer, packer, or distributor. (5) In that the information required by or under authority of the law to appear on the label or labeling, was not prominently placed thereon in such terms as to render it likely to be understood by the ordinary individual under customary conditions of purchase and use, since the labeling contained representations in a foreign language (Italian) and the information required by or under authority of the law to appear on the label or labeling did not appear thereon in Italian. (6) In that it was fabricated from two or more ingredients and its label did not bear the common or usual name of each ingredient. (7) In that it contained artificial flavor and artificial color but did not bear labeling stating that fact.

On January 20, 1942, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$50 with costs on one count and suspended sentence on the remaining five counts and placed the defendant on probation for 1 year.

**3395. Adulteration and misbranding of olive oil. U. S. v. Vincent Grande. Plea of guilty. Fine of \$50 and costs. Defendant placed on probation for 1 year. (F. D. C. No. 5485. Sample Nos. 36625-E, 36626-E, 36628-E.)**

On October 20, 1941, the United States attorney for the District of Rhode Island filed an information against Vincent Grande, trading in Providence R. I., alleging shipment in interstate commerce on or about September 23 and October 7, 1940, from the State of Rhode Island into the State of Massachusetts, of quantities of olive oil which was adulterated and misbranded. It was labeled in part: "Puglia Brand Superfine Pure Olive Oil" or "Pure Stella Alpino Brand Imported Olive Oil."

The article was alleged to be adulterated (1) in that a substance consisting essentially of cottonseed oil, artificially flavored and artificially colored and containing little or no olive oil, had been substituted wholly or in part for olive oil, which it purported to be; (2) in that it was inferior to olive oil, and its inferiority had been concealed by the addition of artificial flavor and artificial color; and (3) in that artificial flavor and artificial color had been added thereto or mixed or packed therewith so as to make it appear better and of greater value than it was.

It was alleged to be misbranded: (1) In that (Puglia brand) the design of a crown, shield and olive branches and fruit, and the statements "Imported Pure Olive Oil \* \* \* Superfine Pure Olive Oil Imported from Lucca-Italy \* \* \* This olive oil is guaranteed to be absolutely pure under any chemical analysis. Recommended for table use and medicinal purposes [and similar statements in Italian]," and (Stella Alpino brand) "Imported from Italy \* \* \* Pure \* \* \* Imported Olive Oil \* \* \* This imported Olive Oil is guaranteed by us to be absolutely pure and specially adapted for medicinal and table uses [and similar statements in Italian]," borne on the labels, were false and misleading since they represented and suggested that the article consisted wholly of olive oil imported from Italy; whereas it did not consist wholly of olive oil imported from Italy. (2) In that it was offered for sale under the name of another food, namely, olive oil. (3) In that it was an imitation of another food and its label did not bear in type of uniform size and prominence the word "imitation," and immediately thereafter the name of the food imitated, i. e., olive oil. (4) In that it was in package form and did not bear a label containing the name and place of business of the manufacturer, packer, or distributor. (5) In that the information required by or under authority of the law to appear on the label or labeling, was not prominently placed thereon in such terms as to render it likely to be understood by the ordinary individual under customary conditions of purchase and use, since the labeling contained representations in a foreign language (Italian) and the information required by or under authority of the law to appear on the label or labeling did not appear thereon in Italian. (6) In that it was fabricated from two or more ingredients and its label did not bear the common or usual name of each ingredient. (7) In that it contained artificial flavor and artificial color and did not bear labeling stating that fact.

On January 20, 1942, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$50 with costs on one count and suspended sentence on the remaining five counts and placed the defendant on probation for 1 year.



**3396. Misbranding of oil. U. S. v. 81 Cans and 7 Cans of Oil. Consent decree of condemnation. Product ordered released under bond to be brought into conformity with the law. (F. D. C. No. 7009. Sample No. 23389-E.)**

On March 11, 1942, the United States attorney for the Northern District of California filed a libel against 88 cans of oil at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about July 7, 1941, by Clipper Carloading Co. from Chicago, Ill.; and charging that it was misbranded. It was labeled in part: "Contenido Neto 18.90 [or "3.78"] Litres Olivette Marca Una Mezcla \* \* \* Olive Products Co. Not Inc. San Francisco."

The article was alleged to be misbranded in that the statements, "Olivette Una Mezcla Especial de Aceite De Oliva Y Aceite Vegetal Incomparable para Mayonesa Y Ensaladas Olive Products Co.," and design of olive branches and olives on the label were false and misleading as applied to an article consisting essentially of cottonseed oil containing little or no olive oil; and in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient.

On March 27, 1942, Southern Pacific Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be brought into conformity with the law under the direction of the Food and Drug Administration.

**3397. Adulteration and misbranding of olive oil. U. S. v. 157 and 148 Cases of Olive Oil (and 9 other seizure actions against olive oil). Decrees of condemnation. Portion of product ordered destroyed; one lot ordered distributed to charitable institutions; and remaining lots released under bond for remixing and relabeling. (F. D. C. Nos. 4590, 4591, 4593, 4596, 4599, 4600, 4637 to 4639, incl., 4692, 4844. Sample Nos. 28278-E to 28280-E, incl., 40592-E, 50305-E to 50310-E, incl., 50828-E, 59224-E.)**

Between May 2 and 29, 1941, the United States attorneys for the District of Columbia, the District of Maryland, and the District of New Jersey filed libels against 710 cases or cartons of olive oil at Washington, D. C., 320 cases or cartons at Baltimore, Md., and 44 cases of olive oil at Camden, N. J., alleging that the article had been shipped in interstate commerce within the period from on or about November 8, 1940, to on or about April 18, 1941, in part by the Sage Chemical Co., from Brooklyn, N. Y., and in part by J. Kinderman & Sons from Philadelphia, Pa.; and charging that it was adulterated and misbranded. The article was labeled in part variously: "York Star Brand Pure Imported Olive Oil \* \* \* Packed by York Canning Co., Inc., New York, N. Y.;" or "Golden Clover Pure Imported Olive Oil \* \* \* European Olive Oils Co., Inc."

Portions of the article were alleged to be adulterated in that an oil of the nature of cottonseed oil or of soybean oil or corn oil had been substituted wholly or in part for olive oil, which it purported to be. Portions were alleged to be adulterated in that oil other than olive oil had been substituted for olive oil, which it purported to be. One lot was alleged to be adulterated in that an artificially colored cottonseed oil, containing little if any, olive oil, had been substituted wholly or in part for olive oil, which the article purported to be. The latter lot was alleged to be adulterated further in that inferiority had been concealed by the addition of artificial coloring and in that artificial color had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was.

All lots were alleged to be misbranded (1) in that the statements "Pure Imported Olive Oil For Medicinal and Table Use" (one lot "Net Cont. 16 Fl. Ozs"), borne on the labels, were false and misleading; (2) in that it was offered for sale under the name of another food; and (3) in that its container was so made, formed, or filled as to be misleading. A portion was alleged to be misbranded further in that it was an imitation of another food and its label failed to bear in type of uniform size and prominence the word "Imitation" and immediately thereafter the name of the food imitated, and in that it contained artificial coloring and failed to bear labeling stating that fact. A portion was alleged to be misbranded further in that it was in package form and did not bear a label containing an accurate statement of the quantity of the contents.

On June 21 and July 2 and November 24, 1941, no claimant having appeared for the lots seized at Baltimore and Camden, judgments of condemnation were entered and those located at Baltimore were ordered destroyed and the lot located at Camden was ordered delivered to a charitable institution. On August 30, 1941, the libels filed in the District of Columbia having been consolidated for the purpose of decree and J. Kinderman & Sons, Philadelphia, Pa.,



having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration. On January 12, 1942, an amended decree was entered ordering that the product be dumped into a vat for mixing, that artificial flavoring be added, the mixed product repackaged and relabeled as imitation olive oil.

**3398. Adulteration and misbranding of olive oil. U. S. v. 149 Cans and 9 Cans of Olive Oil. Consent decree of condemnation. Product released for relabeling upon deposit of collateral. (F. D. C. No. 5113. Sample Nos. 51245-E, 51246-E.)**

On July 9, 1941, the United States attorney for the District of Massachusetts filed a libel against 158 gallon cans of olive oil at Holyoke, Mass., alleging that the article had been shipped in interstate commerce on or about February 13 and March 27, 1941, by G. Puglia & Co. from New York, N. Y.; and charging that it was adulterated and misbranded. It was labeled in part: "Puglia Brand Superfine Pure Olive Oil."

The article was alleged to be adulterated (1) in that artificially flavored and colored cottonseed oil had been substituted wholly or in part for olive oil, which it purported to be; (2) in that inferiority had been concealed by the addition of artificial flavor and artificial color; and (3) in that artificial flavor and artificial color had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was.

It was alleged to be misbranded in that the following statements and designs were false and misleading as applied to artificially flavored and colored cottonseed oil: (1) "Superfine Pure Olive Oil Imported from Lucca-Italy [and the design of olive branches and olives].

\* \* \* This olive oil is guaranteed to be absolutely pure under any chemical analysis. Recommended for table use and medicinal purposes [similar statements in Italian.] Imported Pure Olive Oil Imported from Italy." (2) In that it was offered for sale under the name of another food. (3) In that it was an imitation of another food and its label failed to bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated. (4) In that it was in package form and did not bear a label containing the name and place of business of the manufacturer, packer, or distributor. (5) In that it contained artificial flavoring and artificial coloring and failed to bear labeling stating that fact.

On January 26, 1942, Fred Moroni Co., Holyoke, Mass., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released upon deposit of cash collateral in lieu of bond, conditioned that it be relabeled in compliance with the law.

**3399. Adulteration and misbranding of olive oil. U. S. v. 149 Cases of Olive Oil (and 2 additional seizures against olive oil). Decrees of condemnation. Portion of product ordered destroyed; remainder ordered released under bond for relabeling and reconditioning. (F. D. C. Nos. 4484, 4640, 4698 to 4706, incl. Sample Nos. 40588-E to 40591-E, incl., 40593-E to 40597-E, incl., 50304-E, 50829-E.)**

In addition to being falsely labeled as olive oil, this product was deceptively packaged in irregular-shaped bottles of thick glass. Portions also were short weight.

Within the period from April 25 to May 8, 1941, the United States attorneys for the District of Maryland and the Eastern District of Pennsylvania filed libels against 168 cases of olive oil at Baltimore, Md., 306 cases of olive oil at Philadelphia, Pa., and 90 cases at Chester, Pa., alleging that the article had been shipped in interstate commerce within the period from on or about October 25, 1940, to on or about April 10, 1941, by the Sage Chemical Co. from Brooklyn, N. Y.; and charging that it was adulterated and misbranded. The article was labeled in part: (Bottles) "Golden Clover Pure Imported Olive Oil"; or "York Star Brand Pure Imported Olive Oil."

It was alleged to be adulterated in that a product consisting essentially of cottonseed oil had been substituted wholly or in part for olive oil, which it purported to be.

It was alleged to be misbranded (1) in that the statements "Pure Imported Olive Oil for Table and Medicinal Use," and "U. S. P. European Olive Oils Co." were false and misleading; (2) in that it was offered for sale under the name of another food; and (3) in that its container was so made, formed,



or filled as to be misleading. One lot was alleged to be misbranded further in that the statement of the quantity of contents required by law to appear on the label was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use. The product in the bottles labeled "4 Ozs." and "16 Fl. Ozs.," located at Philadelphia and Chester, Pa., was alleged to be misbranded further in that it was in package form and did not bear a label containing an accurate statement of the quantity of contents, since the bottles contained less than the amounts stated on the labels.

On June 21, 1941, no claimant having appeared for the product located at Baltimore, Md., judgment of condemnation was entered and it was ordered destroyed. On July 23, 1941, J. Kinderman & Sons having appeared as claimant for the product located at Philadelphia and Chester, Pa., judgment of condemnation was entered and it was ordered released under bond for relabeling under the supervision of the Food and Drug Administration. On February 9, 1942, the latter decree was amended to permit reconditioning as well as relabeling.

**3400. Misbranding of oil. U. S. v. 58 Cartons and 15 Cans of Oil. Consent decree of condemnation. Product ordered released under bond for relabeling.**  
(F. D. C. No. 6060. Sample Nos. 74067-E, 74068-E.)

The containers of this product, which was essentially peanut oil with small amounts of cottonseed oil and olive oil, failed to comply with the labeling requirements of the law.

On October 24, 1941, the United States attorney for the District of Connecticut filed a libel against 58 cartons, each containing 6 gallon cans, and 15 5-gallon cans of oil at East Haven, Conn., alleging that the article had been shipped in interstate commerce on or about September 22, 1941, by the Uddo-Taormina Corporation from Brooklyn, N. Y.; and charging that it was misbranded. The cartons were stenciled "Peanut & Olive Oil" and the gallon cans were embossed: "1 Gal." The 15 5-gallon cans were unlabeled.

The article was alleged to be misbranded (1) in that it was in package form and failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; (2) in that it was in package form and (cartons and unlabeled 5-gallon cans) failed to bear an accurate statement of the quantity of the contents; and (3) in that it was fabricated from two or more ingredients and the label failed to bear the common or usual name of each ingredient.

On February 4, 1942, Uddo-Taormina Corporation, Brooklyn, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled in compliance with the law under the supervision of the Food and Drug Administration.

**3401. Adulteration and misbranding of olive oil. U. S. v. 4 Cans of Olive Oil. Default decree of condemnation and destruction.** (F. D. C. No. 7042. Sample No. 64805-E.)

Analysis showed that this product consisted essentially of artificially flavored and colored peanut oil containing little, if any, olive oil.

On March 16, 1942, the United States attorney for the Western District of Pennsylvania filed a libel against 4 cans of olive oil at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about July 8, 1941, by Veronica Oil Co., Inc., from New York, N. Y.; and charging that it was adulterated and misbranded. It was labeled in part: "One Gallon Nerone Brand Pure Imported Olive Oil."

The article was alleged to be adulterated (1) in that artificially flavored and artificially colored peanut oil, containing little, if any, olive oil, had been substituted in whole or in part for olive oil, which it purported to be; (2) in that inferiority had been concealed by the addition of artificial flavor and artificial color; and (3) in that artificial flavor and artificial color had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was.

It was alleged to be misbranded (1) in that the following statements and design, "Pure Imported Olive Oil [design of an olive branch and olives] This olive oil is guaranteed to be absolutely pure under chemical analysis. It is pressed from selected ripe olives and packed under sanitary conditions. Highly



recommended for medicinal purpose and Table Use [similar statements in Italian] \* \* \* Olivè Oil," borne on the cans, were false and misleading as applied to an article that consisted essentially of artificially flavored and artificially colored peanut oil, containing little, if any, olive oil; (2) in that it was offered for sale under the name of another food; (3) in that it was an imitation of another food and its label failed to bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated; and (4) in that it contained artificial flavoring and artificial coloring and failed to bear labeling stating that fact.

On April 17, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3402. Adulteration and misbranding of vegetable oil. U. S. v. 82 Cans of Vegetable Oil. Default decree of condemnation and forfeiture. Product ordered distributed to charitable institutions. (F. D. C. No. 7018. Sample No. 84324-E.**

This product, which was represented to be composed of cottonseed and corn oil and olive oil, was found to consist essentially of artificially flavored and artificially colored corn oil, containing little, if any, olive oil and no cottonseed oil.

On March 12, 1942, the United States attorney for the District of New Jersey filed a libel against 82 cans of vegetable oil at Elizabeth, N. J., alleging that the article had been shipped in interstate commerce on or about December 4 and 31, 1941, by Pietro Esposito from New York, N. Y.; and charging that it was adulterated and misbranded. It was labeled in part: "La Vergine Brand Prodotto Garantito Composed of Cottonseed & Corn Oil Pure Imported Olive Oil Distributed by A. Campo \* \* \* Elizabeth, N. J."

The article was alleged to be adulterated (1) in that artificially flavored and artificially colored corn oil, containing little, if any, olive oil, and no cottonseed oil, had been substituted wholly or in part for "Cottonseed & Corn Oil Pure Imported Olive Oil," which it purported to be; (2) in that inferiority had been concealed by the addition of artificial flavor and color; and (3) in that artificial flavor and artificial color had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was.

It was alleged to be misbranded (1) in that the design of an olive tree and the statement "Composed of Cottonseed & Corn Oil Pure Imported Olive Oil" were false and misleading as applied to artificially flavored and artificially colored corn oil, containing little, if any, olive oil, and no cottonseed oil; (2) in that it was an imitation of another product, olive oil, and its label failed to bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated; (3) in that the label contained representations in a foreign language, Italian, and the information required by the act to appear on the label did not appear thereon in the foreign language; and (4) in that it contained artificial flavoring and artificial coloring but did not bear labeling stating that fact.

On April 29, 1942, no claimant having appeared, judgment of condemnation and forfeiture was entered and the product was ordered distributed to charitable institutions.

## SACCHARINE PRODUCTS

### CANDY

**3403. Adulteration of candy. U. S. v. Lew Klamkin (Belmont Candy Co.). Plea of guilty. Fine, \$400. (F. D. C. No. 5515. Sample Nos. 34783-E, 34785-E, 34788-E, 34789-E, 46319-E.)**

This product was found to contain miscellaneous filth, including insect fragments and rodent hairs.

On February 17, 1942, the United States attorney for the Eastern District of New York filed an information against Lew Klamkin, trading as Belmont Candy Co. at Brooklyn, N. Y., alleging shipment in interstate commerce on or about January 11 and 29, 1941, from the State of New York into the State of New Jersey of a quantity of candy which was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. It was labeled in part: "Chocolate Covered Filled with Cherries," "Milk Chocolate Maple Milky Squares," "Belmont's Cocomut Mountains," or "Belmont's Brazil Nuts."

On April 2, 1942, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$400.



**3404. Adulteration of candy. U. S. v. Cosner Candy Co. Plea of nolo contendere. Fine, \$250.** (F. D. C. No. 5547. Sample Nos. 44761-E, 44762-E, 44764-E, 44767-E, 44769-E, 65002-E to 65005-E, incl., 65009-E, 65010-E, 65013-E, 65206-E.)

Samples of this product were found to contain rodent hairs.

On February 19, 1942, the United States attorney for the District of Colorado filed an information against the Cosner Candy Co., a corporation, Denver, Colo., alleging shipment in interstate commerce on or about February 18 and April 7 and 9, 1941, from the State of Colorado into the States of Texas, Idaho, Kansas, and Utah, of quantities of candy that was adulterated. It was labeled in part: "5 Lbs. Peerless Milk Choc."; "5# Caramel"; "5# Maple [or "Vanilla" or "Caramel"]"; "5# Wintergreen [or "Lime," "Lemon," or "Mint"] Banquet Wafers"; "Pure Lime Sticks"; "Pure Peppermint Sticks"; "Virginia Crimp"; or "Ostrich Foil Eggs."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On February 25, 1942, a plea of nolo contendere was entered on behalf of the defendant and the court imposed a fine of \$250.

**3405. Adulteration of candy. U. S. v. Louis Heidelberg, Gustav Heidelberg, Heidelberg Confectionery Co., Inc. Plea of nolo contendere. Corporate defendant, fine of \$200; individual defendants, jail sentences of 10 days each. Sentences suspended and defendants placed on probation for 6 months.** (F. D. C. No. 5508. Sample Nos. 14862-E, 24262-E, 24263-E, 24266-E, 40086-E, 40087-E, 40089-E, 40091-E, 40166-E to 40170-E, incl., 40316-E, 40318-E, 40319-E.)

Examination showed that this product was contaminated with insect fragments and rodent hairs and excreta.

On January 31, 1942, the United States attorney for the Eastern District of Pennsylvania filed an information against Louis Heidelberg, Gustav Heidelberg, and Heidelberg Confectionery Co., Inc., a corporation, Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about June 22, 1940, to on or about January 30, 1941, from the State of Pennsylvania into the State of New Jersey of quantities of candy which was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The product was labeled in part: "Famous Jelly Eggs," "Spearmint Leaves," "Orange Jelly Bars," "Famous Chocolate Peppermints," "Jersey Style Cream Bars," "Sunnies," "Big Six," "Bermudas," "Chocolate Bermudas," or "Lady Dainty."

On March 9, 1942, a plea of nolo contendere was entered on behalf of each of the defendants and the court imposed a fine of \$200 against the corporation. Jail sentences of 10 days each were imposed upon the individual defendants, which sentences were suspended and the defendants were placed on probation for a period of 6 months.

**3406. Adulteration of candy. U. S. v. 9 Cartons of Candy. Default decree of condemnation and destruction.** (F. D. C. No. 6240. Sample No. 59075-E.)

Examination showed that this product contained rodent hairs.

On November 18, 1941, the United States attorney for the Middle District of Pennsylvania filed a libel against 9 12-pound cartons of candy at York, Pa., alleging that the article had been shipped in interstate commerce on or about October 27, 1941, by the Blue Ribbon Candy Co. from Baltimore, Md.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Peanut Brittle."

On April 8, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3407. Adulteration of candy. U. S. v. 63 Boxes, 33 Boxes, and 107 Boxes of Candy. Default decrees of condemnation and destruction.** (F. D. C. Nos. 6897, 6944, 6960. Sample Nos. 70511-E, 70652-E, 70659-E.)

Examination showed that this product was contaminated with filth, such as rodent hairs and insect fragments.

On or about February 26 and 27 and March 9, 1942, the United States attorneys for the Eastern District of South Carolina and the Southern District of Georgia filed libels against 96 boxes of candy at Charleston, S. C., and 107



boxes of candy at Augusta, Ga., alleging that the article had been shipped in interstate commerce on or about January 26, 28, and 30, and February 7 and 14, 1942, by Fogle Candy Co. from Charlotte, N. C.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: (Bars) "Cab," "Nut Roll," "Cocoanut Roll," "Fogle Special," "Fogle Cocoanut," "Stick," "Cream Bar," or "Rainbow."

On April 2 and 10, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**3408. Adulteration and misbranding of candy. U. S. v. 24 Boxes, 24 Boxes, 24 Boxes, 48 Boxes, and 48 Boxes of Candy. Default decrees of condemnation and destruction.** (F. D. C. Nos. 6926, 6972. Sample Nos. 85350-E, 85352-E, 85364-E, 85365-E.)

Examination showed that this product was contaminated with filth, such as insect fragments and hairs resembling rodent hairs, a portion was short weight, and a portion (the marshmallows) contained an undeclared coal-tar color.

On February 26 and March 4, 1942, the United States attorney for the District of Oregon filed libels against 168 boxes, each containing 24 bars, of candy at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about February 3 and 16, 1942, by Matzger Chocolate Co. from San Francisco, Calif.; and charging that it was adulterated and misbranded. It was labeled in part: (Bar wrapper) "Matzger's Big Marshmallow [or "Yum Yum" or "Wham!"]".

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance. The lot shipped on February 3 was alleged to be adulterated further in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

A portion of the candy shipped on February 3 was alleged to be misbranded in that the statement "Net Weight 2 Ozs." was false and misleading as applied to an article that was short weight, and in that it was in package form and did not bear a label containing an accurate statement of the quantity of contents. A portion of the candy shipped on February 16 was alleged to be misbranded in that it contained artificial coloring and failed to bear labeling stating that fact.

On April 13, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3409. Adulteration of candy. U. S. v. 43 Boxes, 71 Boxes, and 87 Boxes of Candy. Default decrees of condemnation and destruction.** (F. D. C. Nos. 6928, 6929, 6986. Sample Nos. 87138-E, 90431-E, 90671-E.)

Examination showed that this product contained rodent hairs and insect fragments.

On February 25 and March 4, 1942, the United States attorneys for the District of Rhode Island, District of Massachusetts, and the District of Columbia filed libels against 43 boxes of candy at Providence, R. I., 71 boxes of candy at Cambridge, Mass., and 87 boxes of candy at Washington, D. C., alleging that the article had been shipped in interstate commerce on or about January 26 and February 9 and 16, 1942, by Schingen Candies from Philadelphia, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: (Boxes) "Jumbo Ko-Kets 80 Tourraine Brand."

On April 3, 22, and 27, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**3410. Adulteration of candy. U. S. v. 22, 47, and 47 Boxes of Candy, (and 5 additional seizure actions against candy). Default decrees of condemnation and destruction.** (F. D. C. Nos. 5824, 5927, 5982, 5989, 5990, 6087. Sample Nos. 50333-E to 50335-E, incl., 50590-E, 50591-E, 50879-E, 50880-E, 50882-E to 50884-E, incl., 59036-E, 59037-E, 59040-E, 59042-E to 59044-E, incl., 59046-E.)

Examination of this product showed the presence of one or more of the following types of filth: Rodent hairs, insects, insect fragments, or larvae.

Between September 22 and October 27, 1941, the United States attorneys for the Middle District of Pennsylvania, Western District of Virginia, and the District



of Columbia filed libels against 116 boxes of candy at Chambersburg, Pa., 40 boxes at Staunton, Va., and 411 cartons and 88 boxes at Washington, D. C., alleging that the article had been shipped in interstate commerce within the period from on or about July 29 to on or about September 18, 1941, by the Voneiff-Drayer Co. from Baltimore, Md.; and charging that it was adulterated. Portions of the article were variously labeled: "Miss America \* \* \* Rainbows [or "Big Drops," "Caramels," "Big Cees," "Chocolate Pegs," "Madame Queen Fingers," or "Chocolate Mints" or "Chocolate Covered Whipped Creams" or "Chocolate Logs"]." The remainder was labeled in part: "Chocolate Peppermints 5¢ \* \* \* Packed Expressly For The Peoples Drug Stores, Inc. Washington, D. C."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

Between October 29 and December 31, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**3411. Adulteration and misbranding of candy. U. S. v. 199 Boxes and 235 Boxes of Candy (and 2 other seizures of candy). Decrees of condemnation and destruction.** (F. D. C. Nos. 6865, 6871. Sample Nos. 75838-E, 75839-E, 90157-E, 90627-E.)

Examination showed that this product contained hairs resembling those of rodents. Furthermore, all lots but one were deceptively packaged, and one of these also was short of the declared weight.

On February 14 and 17 and March 6, 1942, the United States attorneys for the District of Maine and the District of Vermont filed libels against 434 1-pound boxes of candy at Portland, Maine, and 14 1-pound boxes and 18½ cases each containing 24 1-pound boxes of candy at White River Junction, town of Hartford, Vt., alleging that the article had been shipped in interstate commerce on or about January 19, 26, and 27, and February 10, 1942, by William's Candy Co. from Somerville, Mass.; and charging that it was adulterated and that all lots but one were misbranded. It was labeled in part: "Farm-Hill Candies Chocolates & Bon-Bons [or "Assorted Chocolates"]."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

All lots but one (9½ cases at White River Junction) were alleged to be misbranded in that the container was so filled as to be misleading, since the candy did not occupy a reasonable amount of the available space. The lot at Portland, Maine, was alleged to be misbranded further in that the statement "Net Weight One Pound" was false and misleading as applied to an article that was short weight; and in that it was in package form and did not bear a label containing an accurate statement of the quantity of the contents.

On March 13 and May 15, 1942, no claimant having appeared, judgments were entered ordering that the product be destroyed.

**3412. Misbranding of candy. U. S. v. 354 Boxes of Candy. Default decree of condemnation and forfeiture. Product ordered distributed to charitable institutions.** (F. D. C. No. 7026 Sample No. 90448-E.)

Examination showed that the boxes containing this candy were not filled to their capacity.

On March 13, 1942, the United States attorney for the District of Rhode Island filed a libel against 354 boxes of candy at Providence, R. I., alleging that the article had been shipped in interstate commerce on or about February 21, 1942, by the Royal Confectionery Co. from Boston, Mass.; and charging that it was misbranded in that its container was so filled as to be misleading since the bottom layer contained only about half as much candy as the top layer. The article was labeled in part: "Mary Talbot Assorted Chocolates \* \* \* Hand Fashioned One Pound Net."

On April 22, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered distributed to charitable institutions.

MISCELLANEOUS

**3413. Adulteration of sugar. U. S. v. 25 Sacks of Sugar. Default decree of destruction.** (F. D. C. No. 4730. Sample No. 4341-8-E.)

This product had been stored under insanitary conditions after shipment and when examined it was found that the sacks had been torn and gnawed by rats and contained an accumulation of rat pellets and bird droppings.



On May 15, 1941, the United States attorney for the Western District of Missouri filed a libel against 25 100-pound sacks of sugar at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about October 31, 1941, from Lyman, Nebr.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance and in that it had been held under insanitary conditions whereby it might have become contaminated with filth. It was alleged further that the article had been shipped by the Great Western Sugar Co., but that adulteration resulted from conditions existing at destination, in the warehouse of the consignee.

On June 27, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3414. Adulteration of fudge icing base. U. S. v. 10 Drums of Fudge Icing Base. Default decree of condemnation and destruction. (F. D. C. No. 6941. Sample No. 54545-E.)**

Examination showed that this product contained rodent hairs.

On February 25, 1942, the United States attorney for the Eastern District of Pennsylvania filed a libel against 10 50-pound drums of fudge icing base at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about January 21, 1942, by H. M. Wagner & Co., Inc., from Baltimore, Md.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Fluffy Fudge Chocolate Flavored Icing Base."

On April 1, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

## FLAVORS AND SPICES

**3415. Adulteration and misbranding of vanilla extract. U. S. v. 114 Dozen Bottles of Vanilla Extract (and 2 other seizure actions against vanilla extract). Default decrees of condemnation and destruction. (F. D. C. Nos. 6196, 6200, 6226. Sample Nos. 35802-E, 58358-E, 66312-E.)**

This article was an imitation of vanilla extract containing artificial flavoring, artificial coloring, and some extractive matter from vanilla beans. Portions contained 25 percent of alcohol instead of 40 percent as declared on the label; some of the bottles were too tall for their capacity and the individual carton in which they were packed was too tall for the height of the bottles; and the 2-fluid-ounce size was short of the declared volume.

On November 12, 13, and 14, 1941, the United States attorneys for the Western District of Louisiana, the Western District of Wisconsin, and the Eastern District of Wisconsin filed libels against 114 dozen bottles of vanilla flavor at Ferriday, La., 86 dozen bottles at Baraboo, Wis., and 12 cases, each containing 24 bottles, at Milwaukee, Wis., alleging that the article had been shipped in interstate commerce, within the period from on or about June 21 to on or about October 2, 1941, by the Empire Spice Mills Manufacturing Co. from Chicago, Ill.; and charging that it was adulterated and misbranded. The article was labeled in part: "¾ [or "2" or "4"] Fluid Oz. Burma Pure Vanilla Extract Alcohol 40%; "8 Fluid Ounces Burma Brand Flavoring \* \* \* Pure Vanilla Extract Alcohol 40%"; or "Corona Brand 4 Fluid Ounce \* \* \* Pure Vanilla Extract."

It was alleged to be adulterated (1) in that an imitation vanilla extract containing added artificial color, added artificial flavoring, and some extractive matter from vanilla beans had been substituted wholly or in part for pure vanilla extract, which it purported to be; (2) in that inferiority had been concealed by the addition of artificial color and artificial flavoring; and (3) in that artificial flavoring and artificial coloring had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was.

The article was alleged to be misbranded (1) in that the statement "Pure Vanilla Extract" was false and misleading as applied to an imitation vanilla extract containing added artificial color and added artificial flavoring and some extractive matter from vanilla beans; (2) in that it was offered for sale under the name of another food; (3) in that it was an imitation of another food and its labeling failed to bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated; (4) in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient; and (5) in that it contained



artificial coloring and artificial flavoring but failed to bear labeling stating that fact.

The  $\frac{3}{4}$ -ounce size was alleged to be misbranded further in that its container was so made, formed, or filled as to be misleading. The 2-ounce size was alleged to be misbranded further in that the statement "2 Fluid Ounces" was false and misleading as applied to an article that was short volume, and in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

On December 17, 1941, and March 25 and April 6, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**3416. Misbranding of black pepper. U. S. v. 10 Cases and 10 Packages of Black Pepper. Default decree of condemnation and sale, with provision for destruction of containers. (F. D. C. No. 6681. Sample No. 37595-E.)**

This product was short of the declared weight, and occupied an average of only 56.5 percent of the capacity of the container.

On January 12, 1942, the United States attorney for the Southern District of Georgia filed a libel against 10 packages, and 10 cases each containing 12 packages of 12 retail cartons, of black pepper at Augusta, Ga., alleging that the article had been shipped on or about August 6 and October 2, 1941, by C. W. Antrim & Sons from Richmond, Va.; and charging that it was misbranded. It was labeled in part: (Carton) "Net Weight  $1\frac{1}{2}$  Oz. Old Mansion \* \* \* Pure Black Pepper."

The article was alleged to be misbranded (1) in that the statement "Net Weight  $1\frac{1}{2}$  Oz." was false and misleading as applied to an article that was short weight; (2) in that its container was so made and filled as to be misleading since the package was too large for the amount of pepper it contained and the pepper did not occupy a reasonable amount of the available space; and (3) in that it was in package form and did not bear an accurate statement of the quantity of contents.

On March 23, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered sold, with the provision that it be dumped immediately into bulk containers and its original containers destroyed.

**3417. Adulteration of poppy seed. U. S. v. 15 Bags of Poppy Seed. Default decree of condemnation and destruction. (F. D. C. No. 6661. Sample No. 4372-E.)**

Examination showed that this product was white poppy seeds artificially colored black with charcoal.

On January 10, 1942, the United States attorney for the Northern District of Illinois filed a libel against 15 bags of poppy seed at Chicago, Ill., alleging that the article had been shipped on or about November 5, 1941, by Arco Products Co. from Brooklyn, N. Y.; and charging that it was adulterated. It was labeled in part: (Bags) "P B & Co. Poppy Seed Artificially Colored with Vegetable Colors New York."

The article was alleged to be adulterated in that inferiority had been concealed by the addition of charcoal; and in that a substance, charcoal, had been added thereto so as to make it appear better or of greater value than it was.

On March 12, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3418. Adulteration of toasted onion powder. U. S. v.  $54\frac{1}{2}$  Cases of Toasted Onion Powder. Default decree of condemnation and destruction. (F. D. C. No. 6866. Sample No. 86617-E.)**

Examination showed that this product contained insect fragments and excreta, and dirt.

On February 18, 1942, the United States attorney for the Northern District of Illinois filed a libel against  $54\frac{1}{2}$  cases of toasted onion powder at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about December 10, 1941, by William Prentiss, Jr., receiver for the Burbank Corporation, from Burbank, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Cases) "Toasted Onion Pwd. 100 Lbs. Net Burbank Corp. Burbank California."

On April 24, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.



Nos. 3419 to 3424 report the seizure and disposition of chili or red peppers that contained mold.

**3419. Adulteration of chili peppers. U. S. v. 65 Bags and 94 Bags of Chili Peppers. Consent decrees of condemnation. Product ordered released under bond for segregation and reconditioning.** (F. D. C. Nos. 7063, 7072. Sample Nos. 92256-E, 92257-E.)

On March 18 and 19, 1942, the United States attorney for the Southern District of California filed libels against 159 bags containing approximately 20,614 pounds of chili peppers at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about February 26 and 27, 1942, by Ben Hur Products, Inc., from Phoenix, Ariz.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On April 4, 1942, Ben Hur Products, Inc., claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond for segregation and reconditioning under the supervision of the Food and Drug Administration.

**3420. Adulteration of chili peppers. U. S. v. 68 Bags, 115 Bags, and 40 Bags of Chili Peppers. Consent decree of condemnation. Product ordered released under bond to be reconditioned.** (F. D. C. No. 7058. Sample Nos. 92250-E, 92252-E, 92253-E.)

On March 18, 1942, the United States attorney for the Southern District of California filed a libel against 68 140-pound bags and 155 170-pound bags of chili peppers at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about November 26, 1941, and January 26, 1942, by J. C. Franzoy from Hatch, N. Mex.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On March 26, 1942, Chili Products Corporation, Ltd., Los Angeles, Calif., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reconditioned under the supervision of the Food and Drug Administration. Subsequently, the unfit portion was segregated and destroyed.

**3421. Adulteration of chili peppers. U. S. v. 26 Bags and 7 Bags of Chili Peppers. Consent decree of condemnation. Product ordered released under bond to be reconditioned.** (F. D. C. No. 7062. Sample Nos. 92254-E, 92255-E.)

On March 18, 1942, the United States attorney for the Southern District of California filed a libel against 33 160-pound bags of chili peppers at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about February 26, 1942, by J. F. Franzoy from Salem, N. Mex.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On March 27, 1942, Chili Products Corporation, Ltd., Los Angeles, Calif., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reconditioned under the supervision of the Food and Drug Administration. Subsequently, the unfit portion was segregated and destroyed.

**3422. Adulteration of chili peppers. U. S. v. 75 Bags of No. 4 Japan Chillies. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of unfit portion.** (F. D. C. No. 7050. Sample Nos. 71172-E, 71283-E.)

On March 17, 1942, the United States attorney for the Eastern District of Missouri filed a libel against 75 bags of chili peppers at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about April 30, 1941, by the P. H. Petry Co. from New York, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "No. 4 Japan Chillies \* \* \* New York Chillies Net 80 Lbs. Product of Japan S. L. Jones & Co. Inc. San Francisco Distributor."

On March 23, 1942, the David G. Evans Coffee Co., St. Louis, Mo., claimant, having admitted the allegations on the libel, judgment of condemnation was entered and the product was ordered released under bond for segregation and destruction of the unfit portion under the supervision of the Food and Drug Administration.



**3423. Adulteration of chili peppers. U. S. v. 147 Bags of Chili Peppers (and 2 other seizure actions against chili peppers). Consent decrees of condemnation. Product released under bond for reconditioning. (F. D. C. Nos. 7015, 7036, 7135. Sample Nos. 92244-E to 92247-E, incl., 92260-E, 92261-E.)**

Examination showed this product to be moldy.

On March 11, 13, and 31, 1942, the United States attorney for the Southern District of California filed libels against 384 bags of chili peppers at Vernon, Calif., and 128 bags of chili peppers at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about December 23, 1941, and January 22 and February 26, 1942, by Sixto Durate & Co. from Las Cruces, N. Mex.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance.

On April 1, 3, and 15, 1942, Gonzalez & Blanco, Los Angeles, Calif., claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond conditioned that it be brought into compliance with the law under the supervision of the Food and Drug Administration.

### "HEALTH" FOODS

**3424. Misbranding of Bleything Concentrated Vegetable Compounds. U. S. v. 34 Packages of Concentrated Vegetable Compound Bleything Formula No. 201-A and 22 Packages of Concentrated Vegetable Compound Bleything Formula No. 201-B. Decrees of condemnation and destruction. (F. D. C. No. 5468. Sample Nos. 65836-E, 65837-E.)**

These products, which consisted of 8-grain tablets of dried plant material and contained less than 1 grain and 1½ grain of total mineral constituents in the case of Formulas 201-A and 201-B, respectively, were offered for sale as dietary supplements.

On August 29, 1941, the United States attorney for the District of Colorado filed a libel against the above-named products at Denver, Colo., which had been consigned by Bleything Laboratories, alleging that the articles had been shipped on or about January 4 and May 4, 1941, from Los Angeles, Calif.; and charging that they were misbranded. They were labeled in part: "Concentrated Vegetable Compound Bleything Formula 201-A [or "201-B"] To Be Used As A Dietary Supplement Contains Alfalfa, Pumpkin And Mint [or "Lettuce, Turnip Greens, Endive And Celery"] Directions: 1 tablet 3 times daily."

The articles were alleged to be misbranded in that the statement on the label, "To Be Used As A Dietary Supplement," was false and misleading since when taken in accordance with the directions on the label, they would not supplement the diet in any substantial or significant respect.

They were also alleged to be misbranded under the provisions of the law applicable to drugs as reported in D. D. N. J. No. 632.

On October 17, 1941, Bleything Laboratories having signed an acceptance of service and authorization for taking a final decree, judgment of condemnation was entered and the product was ordered destroyed.

**3425. Adulteration and misbranding of Coreco Vitamins A-B<sub>1</sub>-G-D capsules. U. S. v. 512 Boxes of Coreco Vitamins A-B<sub>1</sub>-G-D Capsules. Default decree of condemnation and destruction. (F. D. C. No. 6777. Sample No. 23110-E.)**

Each of these capsules was represented to contain 50 International Units of vitamin B<sub>1</sub> and 1,000 U. S. P. units of vitamin D; whereas examination showed that they contained less than 12.5 International Units of vitamin B<sub>1</sub> and not more than 850 U. S. P. units of vitamin D.

On January 29, 1942, the United States attorney for the Northern District of California filed a libel against the above-named product at San Francisco, Calif., alleging that it had been shipped in interstate commerce on or about May 25, 1940, by the International Vitamin Corporation from New York, N. Y.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that valuable constituents, namely, vitamin B<sub>1</sub> and vitamin D, had been in whole or in part omitted or abstracted therefrom.

It was alleged to be misbranded in that the following statements were false and misleading since when taken in the dosage of 1 capsule per day, as directed, they would not furnish moderate amounts of vitamins B<sub>1</sub> and G: "Biologically Assayed and Standardized \* \* \* each capsule contains not less than;



\* \* \* 1,000 U.S.P. Units of Vitamin D, 50 International Units of Vitamin B<sub>1</sub> (approx. 100 Chase-Sherman Units) \* \* \* Each capsule is equivalent in U.S.P. Units of Vitamins \* \* \* D to not less than 3 teaspoonfuls of Cod Liver Oil U.S.P. assaying \* \* \* 85 Vitamin D Units per gram. Each capsule furnishes \* \* \* moderate amounts of Vitamin B<sub>1</sub> and G to supplement the supply of these vitamins contained in the diet."

It also was alleged to be adulterated and misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices.

On March 9, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.



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F.N.J., F. D. C. 3426-3650

U. S. DEPARTMENT OF AGRICULTURE  
Issued March 1943

FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG,  
AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

3426-3650

FOODS

The cases reported herewith were instituted in the United States District Courts by the United States attorneys acting upon reports submitted by direction of the Federal Security Administrator.

WATSON B. MILLER, *Acting Administrator, Federal Security Agency.*

WASHINGTON, D. C., *January 7, 1943.*

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BEVERAGE MATERIALS

**3426. Adulteration and misbranding of fountain flavors. U. S. v. The Richlow Manufacturing Co. and James E. Low. Pleas of guilty. Fine of \$240 against defendant Low; case dismissed against corporation. (F. D. C. No. 6501. Sample Nos. 65071-E, 65077-E, 65078-E.)**

On May 15, 1942, the United States attorney for the District of Colorado filed an information against the Richlow Manufacturing Co., a corporation, Denver, Colo., and James E. Low, alleging shipment on or about April 15, June 2, and June 6, 1941, from the State of Colorado into the State of Wyoming, of a quantity of vanilla-flavored sirup which was adulterated and misbranded and of a quantity of Chocolate-Fudge Flake that was adulterated. The articles were labeled in part: "Vanilla Flavored Syrup" or "Flavor-Rite Chocolate-Fudge Flake."

The chocolate fudge flake was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared or



packed under insanitary conditions whereby it might have become contaminated with filth.

The vanilla-flavored sirup was alleged to be adulterated in that a sirup flavored with imitation vanilla and simulating vanilla-flavored sirup had been substituted wholly or in part for vanilla-flavored sirup, which it purported to be. It was alleged to be misbranded in that it was an imitation of another food, namely, vanilla-flavored sirup, and its label failed to bear in type of uniform size and prominence the word "imitation" and immediately thereafter the name of the food imitated; and in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient.

On May 20, 1942, pleas of guilty having been entered on behalf of both defendants, a fine of \$200 was imposed on defendant Low. The court dismissed the case against the corporation.

**3427. Misbranding of grape juice drink. U. S. v. 27 Cases of Grape Juice Drink. Default decree of condemnation and destruction. (F. D. C. No. 5646. Sample No. 74305-E.)**

Analysis showed that this product was an artificially colored solution of water, citric acid, flavor, sugar, and grape juice, having the appearance and odor of grape juice and taste of diluted grape juice.

On September 8, 1941, the United States attorney for the District of New Jersey filed a libel against 27 cases of grape juice drink at Paterson, N. J., alleging shipment in interstate commerce on or about July 16 and 18, 1941, by Rosen Products, Inc., from Brooklyn, N. Y.; and charging that it was misbranded. It was labeled in part: "Rosaly Grape Juice Drink Pure Concord Grape Juice, Sugar, Fruit Flavor, Certified Food Color, Acid and Water Packed By Rosaly Products Brooklyn, N. Y."

The article was alleged to be misbranded in that it was an imitation of another food and its label failed to bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated.

On July 13, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

## CEREAL PRODUCTS

### FLOUR

**3428. Action to enjoin and restrain distribution of adulterated buckwheat flour and rye meal. U. S. v. John T. Lampman (J. T. Lampman & Co.). Consent decree granting permanent injunction. (Inj. No. 24.)**

On January 30, 1942, the United States attorney for the Southern District of New York filed a complaint against John T. Lampman, trading as J. T. Lampman & Co. at Claverack, N. Y., alleging that from on or about October 22, 1941, to the date of filing of the complaint the defendant had shipped in interstate commerce flour and meal that were adulterated in that they consisted in whole or in part of filthy, putrid, and decomposed substances and were unfit for food, and that during such time the defendant had been preparing, packing, and holding flour and meal under insanitary conditions whereby they might have become and had become contaminated with filth; and praying that judgment be entered enjoining and restraining the defendant from directly or indirectly introducing or delivering for introduction in interstate commerce any adulterated article of food.

On April 10, 1942, the defendant having filed an answer denying the substantive allegations of the complaint but having consented to the entry of a decree without trial or adjudication of any issue of fact or law and without admission either express or implied with respect to any such issue, judgment was entered permanently enjoining and restraining the defendant and anyone acting on his behalf from introducing and delivering for introduction in interstate commerce, in violation of the law, any adulterated article of food, the decree providing that it should not be construed as prohibiting the introduction or delivery for introduction into interstate commerce of any adulterated food where such adulteration could not, by the exercise of due and reasonable care, have been prevented, known to, or remedied by the defendant or those acting on his behalf. The decree further permanently enjoined, restrained, and prohibited the defendant and those acting for him from introducing or delivering for introduction into interstate commerce any adulterated food unless and until the defendant had taken all reasonable and necessary steps, including necessary alterations and repairs, to rid and keep the premises free from rodents, cats, weevils, and



insects, had fumigated the premises thoroughly, cleaned all the equipment, etc., and taken all other reasonable precautions to render the manufacturing and storage plant clean and sanitary.

**3429. Adulteration of pancake flour. U. S. v. 300 Cases of Buckwheat and Corn Flour. Default decree of condemnation and destruction. (F. D. C. No. 7403. Sample No. 40677-E.)**

This product contained rodent hair fragments as well as insect fragments.

On April 27, 1942, the United States attorney for the Eastern District of Pennsylvania filed a libel against 300 cases each containing 24 packages of the above-named product at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about March 20, 1942, by France Milling Co. from Cobleskill, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: (Packages) "1 Lb. 4 Oz. Asco Brand Self Rising Buckwheat Wheat & Corn Flour \* \* \* Distributed by American Stores Co. Phila., Pa."

On May 20, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3430. Adulteration of pancake and waffle flour. U. S. v. 35 Bales and 108 Bales of Bags of Pancake and Waffle Flour. Default decree of condemnation and destruction. (F. D. C. No. 7103. Sample Nos. 93211-E, 93212-E.)**

Examination of this product showed the presence of rodent type hairs.

On March 31, 1942, the United States attorney for the District of Oregon filed a libel against 35 bales each containing 20 bags, and 108 bales each containing 10 bags, of pancake and waffle flour at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about February 14, 1942, from Weiser, Idaho, and that it was in possession of Safeway Stores, Inc.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been held under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "4-9/10 Lbs. [or "9-8/10 Lbs."] Net Weight Harvest Blossom Pancake and Waffle Flour Self Rising Famous Flours, Inc., Omaha, Nebr. Distributor."

On May 18, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3431. Adulteration of rye graham flour. U. S. v. 27 Bags of Flour (and 2 other seizure actions against flour). Default decrees of condemnation and destruction. (F. D. C. Nos. 6095, 6096, 6097. Sample Nos. 74528-E, 74529-E, 74530-E.)**

This product contained rodent excreta fragments, rodent hairs, and insect fragments.

On November 5, 1941, the United States attorney for the Southern District of New York filed libels against a total of 78 bags of flour at New York, N. Y., alleging that the article had been shipped in interstate commerce within the period from on or about September 2 to on or about September 26, 1941, by A. Katz, Etra Mills, from Hightstown, N. J.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On December 2, 3, and 5, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

Nos. 3432 to 3438 report the seizure and disposition of flour that had been shipped in interstate commerce and was in interstate commerce at the time of examination, at which time it was found to be insect-infested. In most instances the time of contamination was not determined.

**3432. Adulteration of flour. U. S. v. 160 Bags of Flour. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 5932. Sample No. 49846-E.)**

On or about October 8, 1941, the United States attorney for the Southern District of Mississippi filed a libel against 160 12-pound bags of flour at Hattiesburg, Miss., alleging that the article had been shipped in interstate commerce on or about July 10, 1941, by Ada Milling Co. from Ada, Okla.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Cambric Flour Bleached."

On April 14, 1942, Shelby Wholesale Grocery, Inc., Hattiesburg, Miss., claimant, having admitted the allegations of the libel, judgment of condemnation was en-



tered and the product was ordered released under bond to be reworked under the supervision of the Food and Drug Administration. It was denatured for use as hog feed.

**3433. Adulteration of flour. U. S. v. 16 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 6000. Sample No. 49854-E.)**

On October 9, 1941, the United States attorney for the Southern District of Mississippi filed a libel against 16 140-pound bags of flour at Jackson, Miss., alleging that the article had been shipped in interstate commerce on or about August 14 and 15, 1941, by the Hecker Flour Mills from Jefferson, Okla.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On May 5, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3434. Adulteration of flour. U. S. v. 70 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 6012. Sample No. 49857-E.)**

On October 9, 1941, the United States attorney for the Southern District of Mississippi filed a libel against 70 140-pound bags of flour at Jackson, Miss., alleging that the article had been shipped in interstate commerce on or about August 15, 1941, by the Higginsville Flour Mill from Higginsville, Mo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On May 5, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3435. Adulteration of flour. U. S. v. 26 Bags and 47 Bags of Self-rising Flour. Default decree of condemnation and destruction. (F. D. C. No. 6011. Sample No. 35823-E.)**

On October 10, 1941, the United States attorney for the Southern District of Mississippi filed a libel against 26 98-pound bags and 47 48-pound bags of flour at Vicksburg, Miss., alleging that the article had been shipped in interstate commerce on or about July 17, August 18, and September 13, 1941, by the Hungarian Flour Mills from Denver, Colo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Self-Rising The Magic Flour 'King of All' Crescent Flour Mills Denver."

On May 20, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3436. Adulteration of flour. U. S. v. 122 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 5785. Sample Nos. 67369-E to 67372-E, incl.)**

On September 20, 1941, the United States attorney for the Eastern District of Arkansas filed a libel against 38 48-pound bags, 8 96-pound bags, and 76 24-pound bags of flour at West Memphis, Ark., alleging that the article had been shipped in interstate commerce on or about December 18, 1940, and February 13 and April 5, 1941, by Ismert Hincke Milling Co. from Topeka, Kans.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, and decomposed substance, and was otherwise unfit for food. The article was labeled in part: "Sno-Cloud Best Patent Flour ["Self-Rising" on portion of bags]."

On May 4, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3437. Adulteration of flour. U. S. v. 888 Bags of Flour. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 5933. Sample Nos. 49841-E to 49845-E, incl.)**

On or about October 8, 1941, the United States attorney for the Southern District of Mississippi filed a libel against 32 48-pound bags, 395 24-pound bags, and 461 12-pound bags of flour at Hattiesburg, Miss., alleging that the article had been shipped in interstate commerce within the period from on or about May 21 to on or about July 31, 1941, in part by Riverview Mills Co. and in part by Ismert-Hincke Milling Co. from Topeka, Kans.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Bags) "Sno-Boy \* \* \* Flour"; "Sno-Boy. \* \* \* Flour \* \* \* Self-Rising"; "Sno-Cloud \* \* \* Flour"; "Lovely Lady \* \* \* Flour"; or "Lovely Lady \* \* \* Flour \* \* \* Self-Rising."

On April 14, 1942, Shelby Wholesale Grocery, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the



product was ordered released under bond to be reworked under the supervision of the Food and Drug Administration, and disposed of for purposes other than human consumption. It was denatured for use as hog feed.

**3438. Adulteration of flour. U. S. v. 200 Bags of Flour. Default decree of condemnation and destruction.** (F. D. C. No. 5919. Sample No. 67653-E.)

On October 1, 1941, the United States attorney for the Western District of Arkansas filed a libel against 200 24-pound bags of flour at Harrison, Ark., alleging that the article had been shipped in interstate commerce on or about April 12 and July 28, 1941, by the Lindsborg Milling & Elevator Co. from Lindsborg, Kans.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Parker House Flour."

On May 4, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3439. Adulteration of doughnut mixture. U. S. v. 2 Barrels of Doughnut Flour. Default decree of condemnation and destruction.** (F. D. C. No. 5774. Sample No. 53723-E.)

Examination showed that this product was insect-infested.

On September 22, 1941, the United States attorney for the District of Arizona filed a libel against 2 barrels of doughnut flour at Phoenix, Ariz., alleging that the article had been shipped in interstate commerce on or about June 12 and 27, 1941, by the Doughnut Corporation of America from Oakland, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Supreme Doughnut Mixture."

On February 24, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

#### CORN MEAL

**3440. Adulteration of corn meal. U. S. v. 625 Bags of Corn Meal. Consent decree of condemnation. Product ordered released under bond to be denatured into animal feed.** (F. D. C. No. 7487. Sample No. 48680-E.)

Examination showed that this product contained rodent excreta, rodent hair fragments, and insect fragments.

On May 12, 1942, the United States attorney for the Southern District of Florida filed a libel against 625 unlabeled 96-pound bags of corn meal at Tampa, Fla., alleging that the article had been shipped in interstate commerce on or about May 2, 1942, by Eelbeck Milling Co., from Omaha, Ga.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On May 20, 1942, Eelbeck Milling Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reconditioned under the supervision of the Food and Drug Administration for sale as animal feed.

**3441. Adulteration of corn meal. U. S. v. 72 Bags of Corn Meal. Default decree of condemnation and destruction.** (F. D. C. No. 7588. Sample No. 89760-E.)

This product contained rodent hairs and excreta and insect fragments.

On June 1, 1942, the United States attorney for the Southern District of New York filed a libel against 72 100-pound bags of corn meal at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about May 18, 1942, by the Davis Milling Co. from Norfolk, Va.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Mayo Water Ground Only From Carefully Selected Corn."

On June 18, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3442. Adulteration of corn meal. U. S. v. 64 Bags of Corn Meal. Consent decree of forfeiture. Product ordered released under bond to be denatured into stock feed.** (F. D. C. No. 7549. Sample No. 98068-E.)

This product was contaminated with rodent hairs and excreta and insect fragments.

On May 25, 1942, the United States attorney for the District of Massachusetts filed a libel against 64 100-pound bags of corn meal at Charlestown, Mass., alleging that the article had been shipped in interstate commerce on or about March 7,



1942, by the Eagle Roller Mill Co. from New Ulm, Minn.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Gold Coin Yellow Corn Meal."

On June 16, 1942, Eagle Roller Mill Co., claimant, having admitted the allegations of the libel, judgment of forfeiture was entered and the product was ordered released under bond to be denatured into stock feed under the supervision of the Food and Drug Administration.

**3443. Adulteration of corn meal. U. S. v. 80 Bags of Corn Meal. Default decree of condemnation and destruction.** (F. D. C. No. 7579. Sample No. 79683-E.)

This product contained rodent hairs and excreta.

On May 29, 1942, the United States attorney for the Eastern District of Kentucky filed a libel against 80 25-pound bags of corn meal at Paintsville, Ky., alleging that the article had been shipped in interstate commerce on or about May 19, 1942, by John W. Eshelman & Sons from Circleville, Ohio; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Eshelman Red Rose White Corn Meal."

On June 24, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3444. Adulteration of corn meal. U. S. v. 17 Bags and 36 Bags of Corn Meal. Default decree of condemnation and destruction.** (F. D. C. No. 5920. Sample Nos. 53736-E, 53737-E.)

This product was insect-infested.

On or about October 8, 1941, the United States attorney for the District of Arizona filed a libel against 53 bags, each containing 24 pounds, of corn meal at Holbrook, Ariz., alleging that the article had been shipped in interstate commerce on or about April 25, 1941, by the Quaker Oats Co. from St. Joseph, Mo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Aunt Jemima Yellow [or "White"] Cream Corn Meal."

On February 24, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3445. Adulteration of corn meal. U. S. v. 192 Bags and 89 Bags of Corn Meal. Default decree of condemnation and destruction.** (F. D. C. No. 6022. Sample No. 35822-E.)

This product contained rodent hairs and insect fragments.

On or about October 15, 1941, the United States attorney for the Southern District of Mississippi filed a libel against 192 24-pound bags and 89 10-pound bags of corn meal at Vicksburg, Miss., alleging that the article had been shipped in interstate commerce on or about August 26, 1941, by the Scott County Milling Co. from Sikeston, Mo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On May 20, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

#### MACARONI PRODUCTS

**3446. Adulteration and misbranding of spaghetti and meat balls. U. S. v. 48 Cases of Spaghetti and Meat Balls. Default decree of condemnation. Product ordered delivered to a charitable institution.** (F. D. C. No. 6917. Sample No. 90371-E.)

Examination showed that this product consisted of spaghetti prepared with tomato sauce, spices, and some cheese. Each can contained less than 1 ounce of so-called meat balls, which consisted essentially of cereal or meal with less than 25 percent of meat.

On February 25, 1942, the United States attorney for the District of Rhode Island filed a libel against 48 cases of spaghetti and meat balls at Providence, R. I., alleging that the article had been shipped in interstate commerce on or about February 3, 1942, by G. Capaldi & Son, Inc., from Watertown, Mass.; and charging that it was adulterated and misbranded. It was labeled in part: "Naples Brand Italian Style Finest Quality Spaghetti and Meat Balls."

The article was alleged to be adulterated in that a substance consisting essentially of cereal had been substituted wholly or in part for meat balls, which it purported to contain.

It was alleged to be misbranded in that the vignette of a dish of spaghetti and two meat balls, and the statement "Spaghetti and Meat Balls \* \* \* Packed in U. S. A. in accordance with all pure food laws This can contains spaghetti and



meat balls with tomato sauce and cheese Meat Balls are composed of Fresh Inspected Meat Bread Crumbs Strictly Fresh Eggs," borne on the label, were false and misleading as applied to an article each can of which contained less than 1 ounce of "meat balls" consisting essentially of cereal or meal with less than 25 percent of meat.

On May 19, 1942, no claimant having appeared, judgment of condemnation was entered, and the product was ordered delivered to a charitable institution.

**3447. Misbranding of noodles. U. S. v. 25 Cases of Noodles. Default decree of condemnation. Product ordered delivered to a Federal institution. (F. D. C. No. 6752. Sample No. 85586-E.)**

This product occupied only about one-third of the capacity of the container.

On January 22, 1942, the United States attorney for the Western District of Washington filed a libel against 25 cases, each containing 24 6-ounce packages, of noodles at Tacoma, Wash., alleging that the article had been shipped in interstate commerce on or about September 22, 1941, by Oriental Food Products Co. of California from Los Angeles, Calif.; and charging that it was misbranded. It was labeled in part: (Packages) "Jan-U-Wine Plain Noodles."

The article was alleged to be misbranded in that the packages were too large for the amount of noodles they contained, and the noodles did not occupy a reasonable amount of the available space.

On April 27, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a Federal institution.

#### BAKERY PRODUCTS

**3448. Adulteration of bread. U. S. v. William J. Goldstein, Abe H. Goldstein, and Sam Goldstein (Goldstein's Bakery). Pleas of nolo contendere. Fines, \$750. (F. D. C. No. 6464. Sample Nos. 65623-E, 65624-E, 65625-E, 65636-E, 65637-E, 65638-E.)**

Samples of this product were found to contain various types of filth such as rodent hairs and insect and worm fragments.

On April 29, 1942, the United States attorney for the District of Colorado filed an information against William J. Goldstein, Abe H. Goldstein, and Sam Goldstein, copartners trading as Goldstein's Bakery at Denver, Colo., alleging shipment on or about May 28 and June 3 and 6, 1941, from the State of Colorado into the States of Nebraska, Kansas, South Dakota, New Mexico, and Texas of quantities of bread which was adulterated. It was labeled in part: "Goldstein's Sweitzer Bread," "Goldstein's 'Nu-Vita' Rye Bread," or "Goldstein's Russian Pumpernickel."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On May 16, 1942, the defendants having entered pleas of nolo contendere, the court imposed a fine of \$250 upon each.

**3449. Adulteration of bakery products. U. S. v. Marx Baking Co., Inc. Plea of guilty. Fine, \$210. (F. D. C. No. 6490. Sample Nos. 65802-E, 65803-E, 65806-E, 65807-E, 65870-E, 65871-E, 65872-E.)**

Samples of this product were found to contain rodent hairs, insect fragments, and other filth.

On April 28, 1942, the United States attorney for the District of Colorado filed an information against Marx Baking Co., Inc., Lamar, Colo., alleging shipment on or about July 10 and August 28, 1941, from the State of Colorado into the State of Kansas of quantities of bread, rolls, and Danish pastry, which were adulterated in that they consisted in whole or in part of a filthy substance, and in that they had been prepared under insanitary conditions whereby they might have become contaminated with filth. The articles were labeled in part: "Old Style Master Bread," "Cinnamon Rolls," "Pan Rolls," "Caramel Rolls," or "Danish Pastry."

On May 25, 1942, the defendant having entered a plea of guilty, the court imposed a fine of \$210.

**3450. Adulteration of cake. U. S. v. Mrs. Joseph Spencer (Silver Dream Cake Co.). Plea of nolo contendere. Defendant placed on probation for 3 years. (F. D. C. No. 6432. Sample Nos. 79929-E, 29862-E.)**

This product was found to contain rodent hairs.

On April 25, 1942, the United States attorney for the Southern District of West Virginia filed an information against Mrs. Joseph Spencer, trading as Silver



Dream Cake Co., Charleston, W. Va., alleging shipment on or about July 15 and August 7, 1941, from the State of West Virginia into the State of Indiana of a quantity of cake that was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. It was labeled in part: "Barbara Ann 5¢ Cake," and "Silver Dream Cake."

On May 23, 1942, the defendant having entered a plea of nolo contendere, the court placed the defendant on probation for 3 years.

**3451. Adulteration of cookies. U. S. v. 32 Packages and 44 Cases of Vanilla Wafers. Default decrees of condemnation and destruction. (F. D. C. Nos. 7519, 7520. Sample Nos. 71393-E, 71394-E.)**

Examination showed that this product contained rodent hairs.

On May 15, 1942, the United States attorney for the Western District of Tennessee filed libels against 32 packages each containing 12 boxes, and 44 cases each containing 4 packages of 12 boxes each, of vanilla wafers at Memphis, Tenn., alleging that the article had been shipped in interstate commerce on or about April 15, 1942, by Thomas & Clarke from Peoria, Ill.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Carr's Vanilla Wafers."

On June 17, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**3452. Adulteration of tortillas. U. S. v. 5 Cases of Tortillas. Consent decree of condemnation and destruction. (F. D. C. No. 7155. Sample No. 81758-E.)**

This product contained insect fragments.

On April 15, 1942, the United States attorney for the District of Colorado filed a libel against 5 cases, each containing 18 1½-pound cans, of tortillas at Denver, Colo., which had been consigned by Ashley's, alleging that the article had been shipped in interstate commerce on or about March 12, 1942, from El Paso, Tex.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Ashley's Brand Fine Mexican Foods—Tortillas."

On May 6, 1942, Ashley's having signed an acceptance of service and authorizations for taking of final decree, judgment of condemnation was entered and the product was ordered destroyed.

### COD-LIVER OIL PREPARATION FOR POULTRY

**3453. Misbranding of Sea-Clo-400-D. U. S. v. 2 Cans of Sea-Clo-400-D. Default decree of condemnation and destruction. (F. D. C. No. 6255. Sample No. 50347-E.)**

This product was represented as a satisfactory substitute for poultry cod-liver oil, which representation was misleading since it did not contain vitamins A and D in the same proportion as found in pure cod-liver oil.

On November 21, 1941, the United States attorney for the District of Maryland filed a libel against the above-named product at Middleburg, Md., alleging that it had been shipped on or about September 13, 1941, by Seaboard Supply Co., Inc., from Philadelphia, Pa.; and charging that it was misbranded.

The article was alleged to be misbranded in that the following statements on the label, "Sea-Clo-400-D, Highly Fortified Cod Liver Oil in Dry Base. Directions: In place of each 4¾ lbs. straight 85 D oil use 1 lb Sea-Clo-400-D. For each 5 pints 85 D oil used replace with 1 lb. Sea-Clo-400-D. Turkeys: Use three times the amount recommended for poultry under average conditions. Ingredients: Fortified cod liver oil. When this product is packed it contains more than 1000 Units Vitamin 'A' per gram . . . due to uncertain stability of Vitamin 'A' from cod liver oil when added to feeds we are making no claim for it," were misleading since they gave the impression that it was a substitute for cod-liver oil and possessed essentially the same values when used in accordance with the directions for use; whereas it was not a substitute for cod-liver oil and did not contain essentially the same values when used in accordance with such directions since the proportion of vitamin A to vitamin D furnished when so used, was substantially less than that furnished by straight cod-liver oil.

The article also was alleged to be misbranded under the provisions of the law applicable to drugs, as reported in D. D. N. J. No. 645.

On January 3, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.



## DAIRY PRODUCTS

## BUTTER

**3454. Adulteration of butter. U. S. v. 14 Cubes of Butter. Default decree of condemnation and destruction. (F. D. C. No. 7643. Sample No. 92065-E.)**

Examination showed that this product was rancid, tallowy, and otherwise unfit for food.

On June 2, 1942, the United States attorney for the Southern District of Florida filed a libel against 14 68-pound cubes of butter at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about April 23, 1942, by W. R. Perry from Portland, Oreg.; and charging that it was adulterated in that it consisted in whole or in part of a filthy or decomposed substance.

On June 23, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. On the same date the decree was amended to permit sale of the butter by the United States marshal for use in the manufacture of soap.

**3455. Adulteration and misbranding of butter. U. S. v. 152 Cases of Butter. Consent decree of condemnation and destruction. (F. D. C. No. 5049. Sample No. 40372-E.)**

This product contained excessive mold and was deficient in milk fat.

On June 19, 1941, the United States attorney for the Middle District of Pennsylvania filed a libel against 152 cases, each containing 12 1-pound rolls, of butter at Harrisburg, Pa., alleging that the article had been shipped on or about June 9, 1941, by the Tri-State Butter Co. from Cincinnati, Ohio; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated (1) in that it consisted in whole or in part of a filthy or decomposed animal substance; and (2) in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading since it contained less than 80 percent of milk fat.

On August 29, 1941, the consignee having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed, with the provision that it might be sold at public auction by the United States marshal for rendering purposes.

**3456. Adulteration of butter. U. S. v. 10 Cartons of Butter. Default decree of condemnation and destruction. (F. D. C. No. 6330. Sample No. 90262-E.)**

Analysis of this product showed that it contained excessive mold.

On November 24, 1941, the United States attorney for the District of Massachusetts filed a libel against 10 cartons, each containing 32 pounds, of butter at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about September 22, 1941, by White Mountain Creamery Co. from New Bremen, Ohio; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance. The article was labeled in part: (Wrappers) "Berkshire Creamery Butter Manufactured by White Mountain Creamery Co. New Bremen, Ohio."

On January 19, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

Nos. 3457 to 3494 report actions based on interstate shipments of butter that was deficient in milk fat.

**3457. Adulteration of butter. U. S. v. Big Fork Valley Co-Operative Association. Plea of guilty. Fine, \$25. (F. D. C. No. 6449. Sample No. 69543-E.)**

On May 5, 1942, the United States attorney for the District of Minnesota filed an information against the Big Fork Valley Co-Operative Association, a corporation at Big Fork, Minn., alleging shipment on or about June 5, 1941, from the State of Minnesota into the State of New York of a quantity of butter that was adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom; and in that an article containing less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: "Distributed By Hunter, Walton & Co. \* \* \* New York."

On May 5, 1942, the defendant entered a plea of guilty and was fined \$25.



**3458. Adulteration of butter. U. S. v. Blue Grass Co-Operative Creamery. Plea of guilty. Fine, \$25.** (F. D. C. No. 6403. Sample No. 54241-E.)

On May 21, 1942, the United States attorney for the District of Minnesota filed an information against Blue Grass Co-Operative Creamery, a corporation, Blue Grass, Minn., alleging shipment on or about October 2, 1941, from the State of Minnesota into the State of Pennsylvania of a quantity of butter which was adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom, and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter. It was labeled in part: "Butter Distributed by C. G. Heyd & Co. \* \* \* Phila., Pa."

On May 21, 1942, the defendant having pleaded guilty, the court imposed a fine of \$25.

**3459. Adulteration of butter. U. S. v. Harry G. Kurrasch (Clinton Creamery). Plea of guilty. Fine, \$150.** (F. D. C. No. 6421. Sample No. 56618-E.)

On May 26, 1942, the United States attorney for the District of Minnesota filed an information against Harry G. Kurrasch, trading as Clinton Creamery, Clinton, Minn., alleging shipment on or about May 29, 1941, from the State of Minnesota into the State of New York of a quantity of butter which was adulterated in that a valuable constituent, namely, milk fat, had been in part omitted therefrom, and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter. It was labeled in part: "Butter \* \* \* Distributed By Zenith-Godley Co., N. Y."

On May 26, 1942, the defendant having entered a plea of guilty, the court imposed a fine of \$150.

**3460. Adulteration of butter. U. S. v. Dairyland Cooperative Association. Plea of guilty. Fine, \$50.** (F. D. C. No. 6429. Sample No. 56619-E.)

On May 26, 1942, the United States attorney for the District of Minnesota filed an information against Dairyland Cooperative Association, a corporation, St. Cloud, Minn., alleging shipment on or about June 4, 1941, from the State of Minnesota into the State of New York of a quantity of butter which was adulterated in that a valuable constituent, namely, milk fat, had been in part omitted therefrom, and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On May 26, 1942, the defendant having entered a plea of guilty, the court imposed a fine of \$50.

**3461. Adulteration of butter. U. S. v. Equity Union Creameries, Inc. Plea of guilty. Fine, \$100.** (F. D. C. No. 6480. Sample No. 56972-E.)

On April 28, 1942, the United States attorney for the District of North Dakota filed an information against Equity Union Creameries, Inc., Minot, N. Dak., alleging shipment on or about September 30, 1941, from the State of North Dakota into the State of New York of a quantity of butter that was adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom; and in that an article containing less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: "Distributed By Dairy & Poultry Co-Op, Inc. \* \* \* New York."

On June 2, 1942, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$100 and costs.

**3462. Adulteration of butter. U. S. v. Richard M. Becker (Ideal Creamery). Plea of guilty. Fine, \$30.** (F. D. C. No. 6409. Sample Nos. 40912-E, 54218-E.)

On June 9, 1942, the United States attorney for the District of Minnesota filed an information against Richard M. Becker, trading as Ideal Creamery, Le Center, Minn., alleging shipment on or about June 18 and October 1, 1941, from the State of Minnesota into the State of Pennsylvania, of quantities of butter which was adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom, and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On June 9, 1942, the defendant entered a plea of guilty and the court imposed a fine of \$30.

**3463. Adulteration of butter. U. S. v. Merrick Dairy Co. of Beloit. Plea of guilty. Fine, \$50.** (F. D. C. No. 2943. Sample Nos. 30541-E, 31619-E.)

On March 7, 1941, the United States attorney for the Western District of Wisconsin filed an information against the Merrick Dairy Co. of Beloit, a corporation, at Beloit, Wis., alleging shipment on or about July 23 and October 5, 1940, from



the State of Wisconsin into the State of Illinois of quantities of butter that was adulterated in that a valuable constituent, milk fat, had been omitted therefrom, and in that an article which contained less than 80 percent by weight of milk fat had been substituted wholly or in part for butter. The article was labeled in part: "Creamery Butter Karsten & Sons \* \* \* Chicago, Ill., Distributors."

On March 17, 1942, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$25 on each of the two counts.

**3464. Adulteration of butter. U. S. v. 24 Cubes of Butter. Consent decree of condemnation. Product ordered released under bond to be reconditioned. (F. D. C. No. 5870. Sample No. 53290-E.)**

On September 9, 1941, the United States attorney for the Southern District of California filed a libel against 24 70-pound cubes of butter, alleging that the article had been shipped in interstate commerce on or about August 29, 1941, by Amarillo Creamery Co. from Amarillo, Tex.; and charging that it was adulterated in that an article containing less than 80 percent by weight of milk fat had been substituted in whole or in part for butter. It was labeled in part: "Made by Blue Bonnett Creamery, Perryton, Texas."

On September 18, 1941, Blue Bonnett Creamery, claimant, having admitted the allegations of the libel, judgment of condemnation (amended September 25, 1942) was entered and the product was ordered released under bond for reconditioning under the supervision of the Food and Drug Administration. It was reworked to the legal standard.

**3465. Adulteration of butter. U. S. v. 48 Boxes and 38 Boxes of Butter. Consent decrees of condemnation. Product ordered released under bond to be reprocessed. (F. D. C. Nos. 7500, 7502. Sample Nos. 76859-E, 76863-E.)**

On April 23 and 29, 1942, the United States attorney for the Southern District of New York filed libels against 86 60-pound boxes of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about April 13 and 22, 1942, by the Barrett Cooperative Creamery from Barrett, Minn.; and charging that it was adulterated in that an article containing less than 80 percent by weight of milk fat had been substituted for butter.

On May 12, 1942, Barrett Cooperative Creamery Co., claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond to be reworked so as to comply with the law.

**3466. Adulteration of butter. U. S. v. 11 Cubes of Butter. Consent decree of condemnation. Product ordered released under bond to be reconditioned. (F. D. C. No. 7778. Sample No. 93386-E.)**

On June 4, 1942, the United States attorney for the Western District of Washington filed a libel against 11 68-pound cubes of butter at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about June 1, 1942, by the Blue Ribbon Creamery from St. Maries, Idaho; and charging that it was adulterated in that an article containing less than 80 percent by weight of milk fat had been substituted for butter.

On June 6, 1942, Blue Ribbon Creamery, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reconditioned under the supervision of the Food and Drug Administration so as to comply with the law.

**3467. Adulteration of butter. U. S. v. 12 Cubes of Butter. Consent decree of condemnation. Product released under bond to be reconditioned. (F. D. C. No. 7611. Sample No. 61940-E.)**

On May 21, 1942, the United States attorney for the Western District of Washington filed a libel against 12 68-pound cubes of butter at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about May 18, 1942, by the Bohle Creamery Co. from Lebanon, Oreg.; and charging that it was adulterated in that an article containing less than 80 percent by weight of milk fat had been substituted for butter.

On May 25, 1942, Bohle Creamery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered permitting release of the product under bond to be reconditioned under the supervision of the Food and Drug Administration so that it comply with the law.



**3468. Adulteration of butter. U. S. v. 17 Cases of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. D. C. No. 7175. Sample No. 70810-E.)**

On or about April 1, 1942, the United States attorney for the Northern District of Georgia filed a libel against 17 cases each containing 30 1-pound prints of butter at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about March 23, 1942, by the Borden Co. from Nashville, Tenn.; and charging that it was adulterated in that an article containing less than 80 percent by weight of milk fat had been substituted for butter. It was labeled in part: "Morning Glory Creamery Butter."

On May 5, 1942, the Borden Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered providing that the product might be released under bond and reconditioned under the supervision of the Food and Drug Administration.

**3469. Adulteration and misbranding of butter. U. S. v. 32 Cases of Butter. Consent decree of condemnation. Product ordered released under bond to be reprocessed. (F. D. C. No. 7595. Sample Nos. 79679-E, 79680-E.)**

This product was short of the declared weight, as well as deficient in milk fat.

On May 5, 1942, the United States attorney for the Middle District of Tennessee filed a libel against 32 cases of butter at Nashville, Tenn., alleging that the article had been shipped in interstate commerce on or about April 23, 1942, by the Borders Pure Milk Co. from Bowling Green, Ky.; and charging that it was adulterated and misbranded. It was labeled in part: (Wrapper) "Quality Pure Brand Butter Manufactured by Anthony Pure Milk Co., Nashville, Tenn."

The article was alleged to be adulterated in that it contained less than 80 percent by weight of milk fat.

It was alleged to be misbranded in that the packages, which were labeled and represented to contain 1 pound of butter, were short weight and did not as a matter of fact contain 1 pound of butter.

On May 7, 1942, Anthony Pure Milk Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reprocessed under the supervision of the Food and Drug Administration.

**3470. Adulteration of butter. U. S. v. 20 Cases of Butter. Consent decree of condemnation. Product ordered released under bond to be reconditioned. (F. D. C. No. 7091. Sample No. 92014-E.)**

On February 27, 1942, the United States attorney for the Southern District of California filed a libel against 20 cases each containing 30 1-pound cartons of butter at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about February 21, 1942, by Brooklawn Creamery Co. from Salt Lake City, Utah; and charging that it was adulterated in that an article containing less than 80 percent by weight of milk fat had been substituted for butter. It was labeled in part: (Carton) "Mont-pelier \* \* \* Butter."

On March 6, 1942, Brooklawn Creamery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reconditioned under the supervision of the Food and Drug Administration so as to comply with the law.

**3471. Adulteration of butter. U. S. v. 22 Cases of Process Butter. Default decree of condemnation. Product ordered delivered to a local charitable agency. (F. D. C. No. 6794. Sample Nos. 70095-E, 70096-E.)**

On January 20, 1942, the United States attorney for the Southern District of Florida filed a libel against 22 cases, each containing 10 1-pound packages, of butter at Jacksonville, Fla., alleging that the article had been shipped in interstate commerce on or about January 9 and 10, 1942, by Cherokee Creamery, Inc., from Cedartown, Ga.; and charging that it was adulterated in that an article containing less than 80 percent by weight of milk fat had been substituted for butter. It was labeled in part: "Cherokee Rose Process Butter."

On February 26, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a local charitable agency for its own use but not for sale.

**3472. Adulteration of butter. U. S. v. 18 Cases of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 7593. Sample No. 70685-E.)**

On May 22, 1942, the United States attorney for the Northern District of Georgia filed a libel against 18 cases each containing 60 8-ounce prints of butter



at Atlanta, Ga., which had been consigned by the Cudahy Packing Co., alleging that the article had been shipped in interstate commerce on or about April 27, 1942, from Nashville, Tenn.; and charging that it was adulterated in that an article containing less than 80 percent by weight of milk fat had been substituted for butter. It was labeled in part: "Sunlight Creamery Butter."

On June 18, 1942, the Cudahy Packing Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked under the supervision of the Food and Drug Administration.

**3473. Adulteration of butter. U. S. v. 64 Packages and 29 Tubs of Butter. Default decrees of condemnation. Product ordered delivered to charitable institutions. (F. D. C. Nos. 7623, 7864. Sample Nos. 77128-E, 77981-E.)**

On May 22 and June 24, 1942, the United States attorney for the Middle District of Pennsylvania filed libels against 64 5-pound packages of butter at Mansfield, and 29 5-pound tubs of butter at Nicholson, Pa., alleging that the article had been shipped in interstate commerce on or about May 12 and June 18, 1942, by Dairymen's League Cooperative Association, Inc., from Syracuse, N. Y.; and charging that it was adulterated in that an article containing less than 80 percent by weight of milk fat had been substituted for butter.

On June 25 and August 26, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered delivered to charitable institutions.

**3474. Adulteration of butter. U. S. v. 71 Cartons and 45 Cartons of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 7820. Sample Nos. 89638-E, 89639-E.)**

On June 11, 1942, the United States attorney for the Southern District of New York filed a libel against 116 60-pound cartons of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about May 14, 1942, by Dallas Creamery from Dallas, Wis.; and charging that it was adulterated in that an article containing less than 80 percent by weight of milk fat had been substituted for butter.

On June 23, 1942, Dallas Creamery, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reworked so as to comply with the law.

**3475. Adulteration of butter. U. S. v. 9 Cubes of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 7395. Sample No. 73981-E.)**

On or about April 16, 1942, the United States attorney for the Western District of Missouri filed a libel against 9 63-pound cubes of butter at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about April 7, 1942, by Deer Creek Creamery Co. from Atchison, Kans.; and charging that it was adulterated in that an article containing less than 80 percent by weight of milk fat had been substituted for butter.

On May 1, 1942, the Deer Creek Creamery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked so as to comply with the law, under the supervision of the Food and Drug Administration.

**3476. Adulteration of butter. U. S. v. 37 Boxes of Butter. Consent decree of condemnation. Product ordered released under bond to be reprocessed. (F. D. C. No. 7515. Sample No. 86953-E.)**

On April 30, 1942, the United States attorney for the Northern District of Illinois filed a libel against 37 60-pound boxes of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about April 15, 1942, by the Dexter Creamery from Dexter, Iowa; and charging that it was adulterated in that an article containing less than 80 percent by weight of milk fat had been substituted for butter. It was labeled in part: "L. D. Schreiber Distributors Chicago Illinois."

On May 8, 1942, L. D. Schreiber & Co., Inc., Chicago, Ill., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reprocessed under the supervision of the Food and Drug Administration.



**3477. Adulteration of butter. U. S. v. 5 Cubes of Butter. Consent decree of condemnation. Product ordered released under bond to be reconditioned.** (F. D. C. No. 6985. Sample No. 85181-E.)

On February 18, 1942, the United States attorney for the Western District of Washington filed a libel against 5 68-pound cubes of butter at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about February 12, 1942, by Enterprise Dairy Products from Enterprise, Oreg., and charging that it was adulterated in that an article containing less than 80 percent by weight of milk fat had been substituted for butter. It was labeled in part: "Butter Puget Sound Butter & Egg Co. Distributors Seattle Wash."

On March 2, 1942, Enterprise Dairy Products, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reconditioned under the supervision of the Food and Drug Administration so as to comply with the law.

**3478. Adulteration of butter. U. S. v. 10 Cartons of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked.** (F. D. C. No. 7821. Sample No. 89648-E.)

On June 15, 1942, the United States attorney for the Southern District of New York filed a libel against 10 66-pound cartons of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about May 28, 1942, by Farmers Cooperative Creamery from Rothsay, Minn.; and charging that it was adulterated in that an article containing less than 80 percent by weight of milk fat had been substituted for butter. It was labeled in part: "S & W Waldbaum Distributors New York NY."

On June 26, 1942, Farmers Co-Op Creamery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reworked so that it comply with the law.

**3479. Adulteration of butter. U. S. v. 8 Tubs of Butter. Consent decree of condemnation. Product ordered released upon deposit of cash collateral to be reworked.** (F. D. C. No. 7430. Sample No. 76857-E.)

On April 21, 1942, the United States attorney for the District of Massachusetts filed a libel against 8 63-pound tubs of butter at Somerville, Mass., alleging that the article had been shipped in interstate commerce on or about April 16, 1942, from Minneapolis, Minn., by Midwest Dairy Despatch for the Glenwood Sanitary Dairy, Glenwood, Minn.; and charging that it was adulterated in that an article containing less than 80 percent by weight of milk fat had been substituted for butter.

On May 6, 1942, Pipestone Produce Co., Somerville, Mass., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released upon deposit of cash collateral in lieu of bond to be reworked under the supervision of the Food and Drug Administration.

**3480. Adulteration of butter. U. S. v. 11 Cartons of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked.** (F. D. C. No. 7776. Sample No. 89552-E.)

On June 11, 1942, the United States attorney for the Southern District of New York filed a libel against 11 cartons of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about May 28, 1942, by the Hannover Creamery Association from Hannover, N. Dak.; and charging that it was adulterated in that an article containing less than 80 percent by weight of milk fat had been substituted for butter.

On June 25, 1942, Fortgang Bros., Inc., New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reworked under the supervision of the Food and Drug Administration so that it contain at least 80 percent of butterfat.

**3481. Adulteration of butter. U. S. v. 17 Cartons of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked.** (F. D. C. No. 7777. Sample No. 89653-E.)

On June 12, 1942, the United States attorney for the Southern District of New York filed a libel against 17 cartons each containing 63 pounds of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about June 4, 1942, by Hay Springs Co-operative Creamery from Hay Springs, Nebr.; and charging that it was adulterated in that an article containing less than 80 percent by weight of milk fat had been substituted for butter. It was labeled in part: "Distributed by Dairy & Poultry Co-op. Inc. \* \* \* New York."



On June 24, 1942, Hay Springs Co-operative Creamery, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reworked under Government supervision so that it contain at least 80 percent of butterfat.

**3482. Adulteration of butter. U. S. v. 1,912 Pounds of Butter. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 7140. Sample Nos. 73814-E to 73816-E, incl.)**

On March 9, 1942, the United States attorney for the District of Kansas filed a libel against 1,912 pounds of butter at Kansas City, Kans., alleging that the article had been shipped in interstate commerce on or about February 26, 1942, by the Holden Creamery Co. from Holden, Mo.; and charging that it was adulterated. It was labeled in part: (Carton) "Clear Brook Creamery Butter \* \* \* Distributed by Wilson & Co. Chicago, Illinois."

The article was alleged to be adulterated in that a valuable constituent, milk fat, had been in whole or in part omitted or abstracted therefrom; and in that an article containing less than 80 percent by weight of milk fat had been substituted in whole or in part for butter.

On March 20, 1942, Holden Creamery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be destroyed or brought into compliance with the law under the supervision of the Food and Drug Administration. Subsequently it was reworked so as to contain 80 percent of milk fat.

**3483. Adulteration of butter. U. S. v. 76 Cubes of Butter. Consent decree of condemnation. Product ordered released under bond to be reconditioned. (F. D. C. No. 7433. Sample No. 93341-E.)**

On April 10, 1942, the United States attorney for the Western District of Washington filed a libel against 76 68-pound cubes of butter at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about April 7, 1942, by Higgins [Huggins] Dairy Products from Lewiston, Idaho; and charging that it was adulterated in that an article containing less than 80 percent by weight of milk fat had been substituted for butter.

On April 14, 1942, Huggins Dairy Products, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reconditioned under the supervision of the Food and Drug Administration so as to comply with the law.

**3484. Adulteration of butter. U. S. v. 29 Tubs of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 7396. Sample No. 76839-E.)**

On April 16, 1942, the United States attorney for the Southern District of New York filed a libel against 29 64-pound tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about April 8, 1942, by Johnson Stores from Michigan, N. Dak.; and charging that it was adulterated in that an article containing less than 80 percent by weight of milk fat had been substituted for butter. It was labeled in part: "Butter Distributed by Hunter, Walton & Co. \* \* \* New York, N. Y."

On April 20, 1942, Johnson Stores Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reworked, under the supervision of the Food and Drug Administration, so that it contain at least 80 percent of butterfat.

**3485. Adulteration of butter. U. S. v. 18 Boxes of Butter. Consent decree of condemnation. Product released under bond to be reprocessed. (F. D. C. No. 7516. Sample No. 91076-E.)**

On or about May 5, 1942, the United States attorney for the Northern District of Illinois filed a libel against 18 64-pound boxes of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about April 7, 1942, by Land O'Lakes Creameries, Inc., from Frederic, Wis.; and charging that it was adulterated in that an article containing less than 80 percent by weight of milk fat had been substituted for butter.

On May 19, 1942, Land O'Lakes Creameries, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, providing that the product might be released under bond to be reprocessed under the supervision of the Food and Drug Administration.



**3486. Adulteration of butter. U. S. v. 14 Boxes of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked.** (F. D. C. No. 7785. Sample No. 76994-E.)

On June 5, 1942, the United States attorney for the Southern District of New York filed a libel against 14 64-pound boxes of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about June 1, 1942, by Langenfeld Ice Cream Co. from Aberdeen, S. Dak.; and charging that it was adulterated in that an article containing less than 80 percent by weight of milk fat had been substituted for butter.

On June 26, 1942, Langenfeld Ice Cream Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reworked under the supervision of the Food and Drug Administration so that it contain at least 80 percent of butterfat.

**3487. Adulteration of butter. U. S. v. 6 Boxes of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked.** (F. D. C. No. 6903. Sample No. 62391-E.)

On January 17, 1942, the United States attorney for the Northern District of Illinois filed a libel against 6 64-pound boxes of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about January 3, 1942, by Model Dairy, Inc., from Mankato, Minn.; and charging that it was adulterated in that an article containing less than 80 percent by weight of milk fat had been substituted for butter.

On February 2, 1942, Model Dairy, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reworked under the supervision of the Food and Drug Administration.

**3488. Adulteration of butter. U. S. v. 6 Tubs of Butter. Consent decree of condemnation. Product ordered released upon deposit of cash collateral to be reworked.** (F. D. C. No. 7431. Sample No. 76858-E.)

On April 21, 1942, the United States attorney for the District of Massachusetts filed a libel against 6 63-pound tubs of butter at Somerville, Mass., alleging that the article had been shipped in interstate commerce on or about April 16, 1942, from Minneapolis, Minn., by Midwest Dairy Despatch for the Morris Creamery Co., Morris, Minn.; and charging that it was adulterated in that an article containing less than 80 percent by weight of milk fat had been substituted for butter.

On May 6, 1942, Pipestone Produce Co., Somerville, Mass., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released upon deposit of cash collateral in lieu of bond to be reworked under the supervision of the Food and Drug Administration.

**3489. Adulteration of butter. U. S. v. 70 Boxes of Butter. Consent decree of condemnation. Product ordered released under bond.** (F. D. C. No. 7817. Sample No. 86972-E.)

On or about June 15, 1942, the United States attorney for the Northern District of Illinois filed a libel against 70 56-pound boxes of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about May 27, 1942, by Myers Produce Creamery from Bourbon, Ind.; and charging that it was adulterated in that an article containing less than 80 percent by weight of milk fat had been substituted for butter.

On June 19, 1942, Myers Produce Creamery, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reconditioned under the supervision of the Food and Drug Administration.

**3490. Adulteration of butter. U. S. v. 16 Boxes of Butter. Consent decree of condemnation. Product ordered released under bond to be reprocessed.** (F. D. C. No. 6904. Sample No. 62392-E.)

On January 17, 1942, the United States attorney for the Northern District of Illinois filed a libel against 16 63-pound boxes of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about January 5, 1942, by the Plymouth Creamery Co. from Le Mars, Iowa; and charging that it was adulterated in that an article containing less than 80 percent by weight of milk fat had been substituted for butter.

On February 17, 1942, L. D. Schreiber & Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reprocessed under the supervision



of the Food and Drug Administration, so that it might be sold without violating any State or Federal law.

**3491. Adulteration of butter. U. S. v. 9 Cases of Butter. Default decree of condemnation. Product ordered delivered to a local charitable agency.** (F. D. C. No. 7540. Sample Nos. 71433-E, 94530-E.)

On May 5, 1942, the United States attorney for the Eastern District of Illinois filed a libel against 9 cases each containing 32 1-pound prints of butter at Scott Field, Ill., alleging that the article had been shipped in interstate commerce on or about April 27, 1942, by the St. Louis Independent Packing Co. from St. Louis, Mo.; and charging that it was adulterated in that an article containing less than 80 percent by weight of milk fat had been substituted for butter. It was labeled in part: "Mayrose Creamery Butter."

On or about June 1, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a local charitable agency.

**3492. Adulteration of butter. U. S. v. 52 Cartons of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked.** (F. D. C. No. 7594. Sample No. 76989-E.)

On May 15, 1942, the United States attorney for the District of Minnesota filed a libel against 52 64-pound cartons of butter at Minneapolis, Minn., which had been consigned by the Scandinavian Co-operative Creamery, alleging that the article had been shipped in interstate commerce on or about May 6, 1942, from Viborg, S. Dak.; and charging that it was adulterated in that a valuable constituent, milk fat, had been in whole or in part omitted or abstracted therefrom; and in that an article containing less than 80 percent by weight of milk fat had been substituted in whole or in part for butter.

On May 25, 1942, Land O'Lakes Creameries, Inc., Minneapolis, Minn., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was released under bond to be reworked under the supervision of the Food and Drug Administration.

**3493. Adulteration of butter. U. S. v. 32 Cases of Butter. Default decree of condemnation and destruction.** (F. D. C. No. 7386. Sample Nos. 70835-E, 70836-E.)

On April 14, 1942, the United States attorney for the Northern District of Georgia filed a libel against 32 cases each containing 10 1-pound cartons of butter at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about April 9, 1942, by the Southern Process Butter Co., Inc., from Cullman, Ala.; and charging that it was adulterated in that an article containing less than 80 percent by weight of milk fat had been substituted for butter. It was labeled in part: "Plantation Process Butter."

On May 5, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. It was turned over to a Federal penitentiary for use as hog feed.

**3494. Adulteration of butter. U. S. v. 5 Tubs of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked.** (F. D. C. No. 7514. Sample No. 86949-E.)

On April 24, 1942, the United States attorney for the Northern District of Illinois filed a libel against 5 63-pound tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on April 11, 1942, by the Webster Creamery Co. from Webster, S. Dak.; and charging that it was adulterated in that an article containing less than 80 percent by weight of milk fat had been substituted for butter.

On May 22, 1942, Peter Fox Sons Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reworked under the supervision of the Food and Drug Administration.

#### CHEESE

**3495. Adulteration of Cheddar cheese. U. S. v. Clyde K. Green and Edgar M. Urevig (Granada Cheese Factory and Brush Creek Cheese Factory). Pleas of guilty. Fine of \$15 against each defendant.** (F. D. C. No. 6491. Sample Nos. 58892-E, 58900-E.)

Samples of this product were found to contain insects, insect fragments, and rodent hairs.

On June 9, 1942, the United States attorney for the District of Minnesota filed an information against Clyde K. Green and Edgar M. Urevig, copartners, trading



as Granada Cheese Factory at Granada, Minn., and as Brush Creek Cheese Factory at Bricelyn, Minn., alleging shipment on or about October 7, 1941, from the State of Minnesota into the State of Iowa of quantities of Cheddar cheese which was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On June 9, 1942, the defendants having entered pleas of guilty, the court imposed a fine of \$15 against each defendant.

**3496. Adulteration and misbranding of Cheddar cheese. U. S. v. 6 Boxes, 6 Boxes, and 26 Boxes of Cheddar Cheese (and 1 other seizure action against Cheddar cheese). Default decrees of condemnation and destruction.** (F. D. C. Nos. 7132, 7169. Sample Nos. 35128-E, 35129-E, 35135-E, 83033-E, 83035-E, 83038-E.)

Examination showed that this product was contaminated with filth, such as cow hairs, insect fragments, rodent hair, plant particles, and nondescript dirt. The solids of portions of the cheese were deficient in milk fat.

On April 4 and 8, 1942, the United States attorneys for the Northern District of Florida and the Southern District of Alabama filed libels against 12 boxes each containing 2 prints of cheese and 26 boxes each containing 1 cheese daisy at Pensacola, Fla., and 68 daisies of cheese at Mobile, Ala., alleging that the article had been shipped in interstate commerce on or about March 2 and 23, 1942, by Armour Creameries from New Albany, Miss.; and charging that it was adulterated and that portions were also misbranded. It was labeled in part: "Armour's Cloverbloom Cheddar."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. Portions of the product were alleged to be adulterated further in that an article deficient in milk fat had been substituted wholly or in part for Cheddar cheese, which it purported to be.

The cheese found at Pensacola and a portion of that found at Mobile was alleged to be misbranded in that it purported to be Cheddar cheese, a food for which a definition and standard of identity had been prescribed by regulations as provided by law, but it failed to conform to such definition and standard since the solids of the cheese contained less than 50 percent of milk fat.

On May 18 and June 29, 1942, no claimant having appeared, judgments were entered finding the product adulterated and ordering that the product be condemned and destroyed.

**3497. Adulteration of Cheddar cheese. U. S. v. 25 Daisies and 29 Daisies of Cheddar Cheese. Default decree of condemnation and destruction.** (F. D. C. No. 6801. Sample Nos. 48554-E, 70643-E.)

This product contained nondescript dirt, insect fragments, and rodent hairs.

On March 2, 1942, the United States attorney for the Northern District of Georgia filed a libel against 25 22-pound daisies and 29 21-pound daisies of Cheddar cheese at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about January 10, 1942, by Limestone Milk Products Co. from Athens, Ala.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: (Daisy) "1 No. 1 Select Cheddar Cheese."

On June 29, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. Subsequently it was delivered to a Federal institution to be used as hog feed.

**3498. Adulteration of Cheddar cheese. U. S. v. 103 Boxes of Cheddar Cheese (and 4 additional seizure actions against Cheddar cheese). Decrees of condemnation. Portion of product ordered released under bond for segregation and destruction of unfit portion; remainder ordered destroyed.** (F. D. C. Nos. 5909, 5940, 5941, 5945, 6024. Sample Nos. 53559-E, 65783-E, 65789-E, 72040-E, 72041-E, 72108-E.)

Examination showed that this product was contaminated with filth, such as insect fragments, rodent hairs, feather barbules, and nondescript dirt. Some of the cheese had been gnawed and bore tooth markings similar to those of a mouse.

On September 30 and October 3, 1941, the United States attorneys for the District of Idaho and the Southern District of California filed libels against 159 boxes of Cheddar cheese at Pocatello, Idaho, and 39 cases and 24 boxes of Cheddar cheese at Los Angeles, and 15 cases of Cheddar cheese at San Diego, Calif., alleging that the article had been shipped in interstate commerce on or about September 10, 13, 15, and 17, 1941, by Nelson Ricks Creamery Co. from Salt Lake



City, Manti, and Lea, Utah; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On March 10, 1942, Nelson Ricks Creamery Co., claimant for 103 boxes of cheese seized at Pocatello, Idaho, having admitted the allegations of the libel with respect to a portion of said seizure, judgment was entered condemning said portion and ordering that all the product be released under bond for segregation and destruction of the unfit portion under the supervision of the Food and Drug Administration. On November 3 and 4 and December 4, 1941, and March 10, 1942, no claimant having appeared for the remainder of the cheese, judgments were entered ordering that the product be destroyed.

**3499. Adulteration of cheese. U. S. v. 95 Cheeses. Consent decree of condemnation. Product ordered released under bond for salvaging.** (F. D. C. No. 6691. Sample No. 62386-E.)

Examination showed that this product contained insect fragments.

On January 17, 1942, the United States attorney for the Northern District of Illinois filed a libel against 95 cheeses at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about November 7 and 10, 1941, by Tolibia Cheese Corporation from Fond du Lac, Wis.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and that it had been prepared and held under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Asiago Cheese."

On February 27, 1942, Tolibia Cheese Corporation, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for salvaging under the supervision of the Food and Drug Administration. Subsequently it was denatured.

**3500. Adulteration of cheese. U. S. v. 1,665 Molds, 114 Molds, 52 Boxes, and 140 Bushel Baskets of Cheese. Decree of condemnation. Portion of product ordered released under bond to be reconditioned; remainder ordered destroyed.** (F. D. C. No. 7113. Sample Nos. 74778-E to 74780-E, incl.)

This product was contaminated with filth, such as insects and larvae, insect fragments, and rodent hairs. Portions also showed evidence of having been gnawed by rodents.

On April 2, 1942, the United States attorney for the Southern District of New York filed a libel against 1,779 molds, 52 boxes, and 140 bushel baskets of cheese at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about February 12, 1942, by Sam Konugres from Trinidad, Colo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On April 25, 1942, Sam Konugres, claimant for the 1,665 molds of cheese, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for elimination of the filthy and rodent-gnawed portions under the supervision of the Food and Drug Administration. On May 21, 1942, no claimant having appeared for the remainder of the cheese, judgment of condemnation was entered and the product was ordered destroyed.

**3501. Adulteration of Cheddar cheese. U. S. v. 435 Cases of Cheese. Consent decree of condemnation. Product ordered released under bond to be reprocessed.** (F. D. C. No. 7081. Sample No. 71496-E.)

Analysis indicated that the solids of this product contained less than 50 percent of milk fat.

On March 20, 1942, the United States attorney for the Eastern District of Arkansas filed a libel against 435 cases of cheese at Little Rock, Ark., alleging that the article had been shipped in interstate commerce on or about December 22 and 23, 1941, from Tescott, Kans.; and charging that it was adulterated in that a substance deficient in milk fat had been substituted wholly or in part for Cheddar cheese, which it purported to be. The article was labeled in part: "Selected Countryside Cheese \* \* \* 20 Lbs. 8 Oz."

On April 15, 1942, Tescott Cheese Co., Tescott, Kans., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reprocessed under the supervision of the Food and Drug Administration. On May 1, 1942, an order was entered correcting an error in the decree with respect to the identity of the



shipper so as to show that the shipment had been made by the Tescott Cheese Co. from Tescott, Kans.

**3502. Adulteration of Velveeta. U. S. v. 353 Bundles, each containing 10 2-pound boxes, of Velveeta. Default decree of condemnation. Product ordered disposed of for hog feed. (F. D. C. No. 6664. Sample No. 81413-E.)**

This product contained nondescript dirt and hairs.

On January 12, 1942, the United States attorney for the District of Utah filed a libel against 353 bundles, each containing 10 2-pound boxes of Velveeta at Salt Lake City, Utah, alleging that the article had been shipped in interstate commerce on or about November 19, 1941, by the Kraft Cheese Co. from Pocatello, Idaho; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On March 7, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. On July 25, 1942, a supplemental order was entered amending the original order of destruction to permit disposal of the product for hog feed.

**3503. Adulteration and misbranding of process cheese. U. S. v. 12 Bundles and 51 Bundles of Process Cheese. Consolidated decree of condemnation. Product ordered released under bond for reconditioning and relabeling. (F. D. C. Nos. 6974, 6975. Sample Nos. 89056-E, 89057-E.)**

This product was found to contain more moisture and less fat than process cheese should contain. Portions were falsely labeled as to the name of the distributor.

On March 5, 1942, the United States attorney for the District of New Jersey filed libels against 63 bundles, each containing 6 5-pound boxes of process cheese at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about January 8 and January 27, 1942, by Sunnette Cheese Corporation from New York, N. Y.; and charging that it was adulterated. It was labeled in part: "Wingdale [or "Elias"] Brand Pasteurized Process Cheese."

The article was alleged to be adulterated (1) in that a valuable constituent, milk fat, had been in whole or in part omitted therefrom; (2) in that a substance containing more moisture and less fat than process cheese had been substituted wholly or in part for process cheese; and (3) in that water had been added thereto or mixed or packed therewith so as to increase its bulk or weight or reduce its quality or strength, or make it appear better or of greater value than it was.

It was alleged to be misbranded in that the statement "Distributed By Jose A. Elias & Hermano New York, N. Y.," borne on some of the boxes in one lot and the statement "Distribuidores Exclusivos Para P. R.: José A. Elias & Hno.," borne on all of the boxes in the other lot were false and misleading since they were incorrect.

On April 13, 1942, Sunnette Cheese Corporation, claimant, having admitted the allegations of the libels and the cases having been consolidated, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked to bring it into compliance with the law. On July 10, 1942, the decree was amended to provide for mixing the product with other cheese and relabeling it under the supervision of the Food and Drug Administration.

#### CONDENSED MILK

**3504. Adulteration and misbranding of condensed milk. U. S. v. 59 Cases, 20 Cases, and 7 Cases of Sweetened Condensed Milk. Consent decree of condemnation. Product ordered released under bond to be brought into compliance with the law. (F. D. C. Nos. 7029, 7030, 7031. Sample No. 23390-E.)**

Analysis showed that this product contained less than 8.5 percent of milk fat, the minimum permitted by the standard.

On March 16, 1942, the United States attorney for the Northern District of California filed a libel against 86 cases of condensed milk at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about December 2, 1941, by Whatcom County Dairy Association from Bellingham, Wash.; and charging that it was adulterated and misbranded. It was labeled in part: "'Unicorn' Brand Sweetened Condensed Milk."

It was alleged to be adulterated in that an article deficient in milk fat had been substituted wholly or in part for sweetened condensed milk, which it purported to be.

It was alleged to be misbranded in that it purported to be a food for which a definition and standard of identity had been prescribed by law and it failed to



conform to such definition and standard since it contained less than 8.5 percent of milk fat.

On March 27, 1942, the Southern Pacific Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be brought into compliance with the law under the supervision of the Food and Drug Administration.

### EGGS

**3505. Adulteration and misbranding of dried egg yolk. U. S. v. Rogol Distributors, Inc., John T. Robertson, and Charles Gogel. Pleas of guilty. Fine of \$200 against the defendant corporation. Fine of \$100 against the defendant Robertson. Fine of \$50 against the defendant Gogel. (F. D. C. No. 6496. Sample No. 69060-E.)**

This product was found to consist of approximately 50 percent of soybean flour with added carotin.

On or about June 1, 1942, the United States attorney for the Eastern District of New York filed an information against Rogol Distributors, Inc., John T. Robertson, and Charles Gogel, Brooklyn, N. Y., alleging shipment on or about April 10, 1941, from the State of New York into the State of New Jersey of a quantity of dried egg yolk which was adulterated and misbranded. It was labeled in part: "Spray Hen Egg Yolk."

The article was alleged to be adulterated in that a substance, namely, a mixture of dried egg yolk and soybean flour containing added carotin had been substituted wholly or in part for dried egg yolk, which it purported to be; in that it was inferior to dried egg yolk since that it consisted of a mixture of dried egg yolk and soybean flour and had been colored with carotin to simulate a product consisting entirely of dried egg yolk in a manner whereby its inferiority to dried egg yolk was concealed; and in that soybean flour had been added thereto or mixed or packed therewith so as to reduce its quality and in that carotin had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was.

It was alleged to be misbranded in that the statements, "Spray Hen Egg Yolk" and "Egg Yolk," borne in the cases, were false and misleading since they represented and suggested that it consisted entirely of dried egg yolk; whereas it did not consist entirely of dried egg yolk, but did consist of a mixture of egg yolk and soybean flour containing added carotin; in that it consisted of a mixture of egg yolk and soybean flour containing added carotin and was offered for sale under the name of another food, namely, "Spray Hen Egg Yolk" and "Egg Yolk"; in that it was fabricated from two or more ingredients and its label did not bear the common or usual name of each ingredient; in that it was in package form and did not bear a label containing the name and place of business of the manufacturer, packer, or distributor; in that it contained artificial coloring and did not bear labeling stating that fact; and in that it purported to be dried egg yolks a food for which a definition and standard of identity had been prescribed by law, but did not conform to such definition and standard of identity.

On June 20, 1942, pleas of guilty having been entered on behalf of all three defendants, the court imposed fines as follows: \$200 against the corporation, \$100 against defendant Robertson, and \$50 against defendant Gogel.

**3506. Adulteration of spray dried whole eggs. U. S. v. 1. Barrel and 3 Barrels of Dried Whole Eggs. Default decrees of condemnation and destruction. (F. D. C. Nos. 7162, 7174. Sample Nos. 57459-E, 71421-E.)**

Examination showed that this product was decomposed.

On April 6 and 9, 1942, the United States attorney for the Eastern District of Missouri filed libels against 4 barrels of dried whole eggs at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about February 27 and March 2, 1942, by F. M. Stamper Co. from Murray, Ky.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On May 8, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**3507. Adulteration of frozen whole eggs. U. S. v. Marvin Belzer (Belzer Egg Products Co.). Plea of nolo contendere. Fine, \$100. (F. D. C. No. 6444. Sample No. 56906-E.)**

Samples of this product were found to be decomposed and to have a phenolic or disinfectant odor.



On March 26, 1942, the United States attorney for the Western District of Missouri filed an information against Marvin Belzer, trading as Belzer Egg Products Co., Kansas City, Mo., alleging shipment on or about April 25, 1941, from the State of Missouri into the State of New York, of a quantity of frozen eggs which were adulterated in that they consisted in whole or in part of a putrid and decomposed substance and were otherwise unfit for food.

On May 23, 1942, the defendant having entered a plea of nolo contendere, the court imposed a fine of \$100.

**3508. Alleged adulteration of frozen eggs. U. S. v. Commercial Creamery Co. Plea of not guilty. Tried to the court. Judgment of acquittal. (F. D. C. No. 5530. Sample Nos. 55765-E, 55766-E.)**

On December 31, 1941, the United States attorney for the Eastern District of Washington filed an information against Commercial Creamery Co., a corporation, Spokane, Wash., charging shipment on or about January 13 and 27, 1941, from the State of Washington into the State of Oregon, of quantities of frozen eggs which were alleged to be adulterated in that they consisted in whole or in part of a decomposed substance.

On March 12, 1942, the defendant having pleaded not guilty, the case was tried to the court and a judgment of acquittal was entered, the court handing down the following opinion:

SCHWELLENBACH, *District Judge*. "By information defendant is charged with introducing into interstate commerce in Spokane, Wash., for shipment to Portland, Oreg., two shipments of frozen eggs which consisted in whole or in part of a decomposed substance in violation of the Federal Food, Drug and Cosmetic Act. The pertinent portions of the statute, grouped together for continuity purposes, read as follows (Title 21, U. S. C. A.): Section 331, 'The following acts and the causing thereof are prohibited: (a) The introduction or delivery for introduction into interstate commerce of any food \* \* \* that is adulterated \* \* \*.' Section 333, '(a) Any person who violates any of the provisions of section 331 shall be guilty of a misdemeanor.' Section 342, 'A food shall be deemed to be adulterated—(a) (3) If it consists in whole or in part of any filthy, putrid, or decomposed substance, or if it is otherwise unfit for food.' To the information a plea of not guilty was entered. By stipulation, a jury was waived and the case presented to the court. By stipulation, the interstate character of the shipments and their identity was admitted by defendant.

"Defendant contends that the failure to afford to the defendant an opportunity to present its views as provided in the act (21 U. S. C. A. section 335) prevents this prosecution. This contention is without foundation. The notice and hearing required in Section 335 is administrative and not jurisdictional. *U. S. v. Morgan*, 222 U. S. 274; *U. S. v. American Laboratories*, 222 Fed. 104.

"Defendant contends that the statute is too indefinite and that neither it nor the regulations promulgated under it establish standards sufficiently definite to enable the defendant to know of the crime with which it is charged and that any reasonable doubt as to the meaning of the statute must be construed in favor of the defendant. It is true that this is a criminal proceeding in which the burden of proving the allegations of the information beyond a reasonable doubt rests upon the Government and the defendant is entitled to its recognized presumption of innocence. *U. S. v. Mayfield*, 177 Fed. 765; *Von Bremen v. United States*, 192 Fed. 904; *U. S. v. American Laboratories*, supra; *U. S. v. Newton Tea & Spice Co*, 275 Fed. 394. But the rule of strict construction as to the statute itself has little or no application to the Federal Food, Drug and Cosmetic Act designed, as it is, to prevent injury to the public health. *A. O. Anderson & Co., v. United States*, 284 Fed. 542; *U. S. v. 48 Dozen Packages, More or Less, of Gauze Bandage Labeled in Part Sterilized*, 94 Fed. (2) 641; *U. S. v. Research Laboratories, Inc.*, 9th Circuit, No. 9898, decided February 24, 1942, 126 Fed. (2) 42. Furthermore, the statute is not indefinite or ambiguous. It makes illegal the introduction into interstate commerce of food which 'consists in whole or in part of any filthy, putrid, or decomposed substance.' (Emphasis mine). This statute is all inclusive and prevents the shipment in interstate commerce of any food which contains any decomposed matter. Defendant urges that such a construction of the statute would result in unreasonable regulation and would prevent the shipment in interstate commerce of many foods not harmful to public health. If such a contention is sound, the argument in support thereof should be made to the Congress and not to the courts. The act was passed by Congress, under its authority to exclude from interstate commerce impure and adulterated foods and to prevent the facilities of commerce being used to enable such articles to be



transported to the people who consume them and it is in the light of the purpose and of the power exerted by Congress that this act must be considered and construed. *Hipolite Egg Co. v. United States*, 220 U. S. 45. Congress may itself determine the means appropriate to this purpose, and, so long as they do no violence to other provisions of the Constitution, it is, itself, the judge of the means to be employed in exercising the powers conferred upon it in this respect. *McDermott v. Wisconsin*, 228 U. S. 115. Congress, following its own conception of public policy concerning the restrictions which may appropriately be imposed upon interstate commerce, is free to exclude from the commerce articles whose use it may conceive to be injurious to the public health, morals, or welfare \* \* \* The distinction on which the decision (*Hammer v. Dagenhart*) was rested, that Congressional power to prohibit interstate commerce is limited to articles which in themselves have some harmful or deleterious property—distinction which was novel when made and unsupported by any provision of the Constitution—has long since been abandoned. *U. S. v. Darby*, 312 U. S. 100.

“Plaintiff’s testimony in this case consists of evidence submitted by three witnesses, all employees of the Food and Drug Administration. They were the inspector and assistant inspector at Portland, Oreg., who made the seizure, and the chief inspector at Seattle, who verified their findings. Their method of inspection consisted exclusively of the use of the organoleptic (affecting an organ or organs, especially those of touch, taste and smell. Funk and Wagnall’s New Standard Dictionary, 1940 edition) test. In this case, they used the sense of smell. In each instance, the witness testified that his training in the use of this test consisted of a 3 weeks’ course in California. While there they had made up for them ‘authentic packs’ of various food substances using which they were taught to differentiate between the odor emanating from each. It will be noted that such packs were designated ‘authentic’ rather than *proven*. For example, in making up an ‘authentic’ egg pack, the eggs used were not submitted to any chemical or bacteriological test but were taken from what the witnesses described as ‘known sources of either good or bad eggs and the odors were described to them as those which would come from either good or bad egg packs. The samples upon which plaintiff relies in this case were not subjected to either bacteriological or chemical tests nor was the method of inspection of the source used.

“Defendant’s testimony included an explanation of the care used by it in the preparation of these shipments. It was uncontradicted that the eggs were carefully selected and examined by skilled candlers. They were broken in the approved fashion, using recognized methods by experienced breakers, into cups where they were judged as to appearance and smell by the breaking-room foreman who has had 11 years’ experience. He testified that they were not decomposed. They were then churned and rushed to refrigeration. Plaintiff makes no contention about this breaking-room operation. The defendant also offered the testimony of a witness in Portland who was present at the time of the seizure there by the Department’s inspector. He, too, had had long experience in detection of odors of frozen eggs. He testified he could detect no odor of decomposition. Plaintiff also submitted the testimony of a witness now connected with the Washington State Department of Agriculture. He, likewise, had had many years of experience in the egg business. He testified that the organoleptic method of testing was more efficient if used at the time of breaking than if used later at the time of seizure.

“It is not the function of the court in this case to make a choice for the Food and Drug Administration as to the method of testing to be followed by it. My problem is only to determine whether the Government has sustained the burden of establishing its case beyond a reasonable doubt. However, there are certain facts disclosed in the evidence and of which I have knowledge which I cannot overlook in deciding this case. They are:

“1. That eggs have a peculiar propensity for the acquisition of odors from many and varied sources; for example, the food which the chicken eats, the place where the egg is laid, the place at which and the method used in storing the eggs, all have their effect upon the odor of the egg.

“2. One of the most efficient methods of determining the presence or absence of decomposition in egg products comes from inspection at the source. The Department of Agriculture recognized this during the time that the Food and Drug Administration was a part of that Department. (Agricultural Year Book, 1924, pages 438 and 439). This was more specifically recognized by the Department in 1939 (Agricultural Year Book, 1939, p. 345).



"3. The determination as to whether an egg contains decomposed substance is much more difficult than a similar determination as to most any other food product. As it was put by Allen in his work on *Commercial Organic Analysis by Chemists*, 5th ed. Vol. IX, p. 557; 'A chemist who is called in to examine eggs or pass judgment on their quality must of necessity be an egg expert since their examination presents rather greater difficulties than other food products.'

"4. I do know that for years chemists have been seeking more efficient and rigid methods for the determination of the presence of decomposition in eggs. One need only study the reports of the Association of Official Agricultural Chemists to become aware of this effort. See *Journal of the Association of Official Agricultural Chemists*, Vol. XX, p. 159 (1937); Vol. XXI, p. 179 (1938); Vol. XXII, p. 298 (1939); Vol. XXIV, p. 119 (1941); Vol. XXIV, p. 319 (1941). In most of these studies, representatives of the Food and Drug Administration participated either as referees or associate referees. It is difficult for me to believe that if the organoleptic test is as efficient as plaintiff's witnesses say that such complete and consistent efforts were being made by the chemists to acquire rapidity in their processes.

"5. What is true of the chemists is also true of the bacteriologists. While their conclusions must necessarily be merely quantitative, nevertheless, I doubt whether the American Public Health Association would have interested itself to the extent that it has in the bacteriological studies if plaintiff's contention as to the scientific efficiency of the organoleptic method is true. At least it may be said, as was said by the Committee on Microbiological Methods of Food Examination of the American Public Health Association, February, 1938, 'Criticism has been raised of the use of bacterial counts in the examination of food products on the grounds that it contributes nothing to our knowledge of quality and that organoleptic tests are equally reliable, less expensive, and much more rapid. The development of bacterial standards for frozen eggs can be compared to the extensive efforts now being made to determine the exact physical and chemical properties that constitute good eggs. As the properties are understood, they will be interpreted in terms of appearance before the candle and candling must remain the practical means of examining interior egg quality. Thus, bacterial counts will serve as a basis for the establishment of the limit of quality of frozen eggs. (*Journal, American Public Health Association*, Vol. XXVIII, p. 56).'

"6. It must be conceded that the use of the sense of smell as a medium of discovering the imperfections in food products is of such recent development as to make it doubtful whether it may be used as an exclusive standard by which the presumption of innocence may be overcome in a criminal case. Dr. Eric Ponder, writing in the London scientific magazine *Discovery* for March, 1926, said this: 'The sense of smell is one of those little islands untouched by the advance of science, unclaimed for its proper use. We do not know how the olfactory organ functions. We know little about olfactory memory, we do not know enough about the potentialities of the sense to apply it usefully.' We do know that the olfactory nerves are just as efficient as the optic or auditory nerves. The difficulty lies in the fact that our conscious use of them is so less frequent. To put it another way, we may smell as frequently as we see or hear, but we do not sniff nearly as frequently as we look or listen. The problem is not one of sensitivity but rather of selectivity. Consequently, skill in the art of detection through the sense of smell comes from experience rather than aptitude.

"Counsel for plaintiff vigorously objected that I even permit the introduction of the testimony of the foreman of the defendant's egg-breaking plant with his 11 years' experience in the detection of odors in eggs. This, for the reason that he didn't have a college degree in science. The rule that expert testimony is not conclusively binding upon the court applies in pure food and drug cases as well as any other case. *U. S. v. 17 Bottles, Large Size, and 65 Bottles, Small Size, More or Less, of an article of drugs labeled in part 'B. & M.'* 53 Fed. (2) 264. Furthermore, I can see nothing in a 3 weeks' course of training in the organoleptic method, even when taken by men possessed of degrees of Master of Science and Doctor of Philosophy, which would justify me in arbitrarily accepting their testimony as against men who have had years of experience in the practical use of that very method. I do not suppose the foreman of the breaking plant, either when he was a candler or a smeller, even dreamed that he was using the organoleptic procedure. That, however, did not prevent him from developing the attribute of selectivity either in looking or smelling.

"Plaintiff's chief inspector justifies the exclusive use of the organoleptic test on the ground that it is quicker and permits more territorial coverage than could be obtained by the combined use of this method with any one of the other three.



I fully recognize the need for speed so far as the stoppage of shipments of decomposed food is concerned. Clearly, if the Administration's inspectors were compelled to wait until they have made either an inspection of the source or the chemical or bacteriological tests before making a seizure, public health might be endangered. I recognize that it is not likely that any one chemical method can be developed to detect and evaluate the spoilage in eggs in view of the limited, well-defined biochemical task of the microbial species. However, this is not merely a question of seizure. This is a criminal case in which the Government is confronted with the burden of proving its case beyond a reasonable doubt. The seizure in this case was made in January 1941. The information was not filed until December 31, 1941. There was nothing to prevent the Government from having made certain as to the condition of these shipments by taking advantage of any one of the three additional tests.

"I am convinced from all of the testimony that the plaintiff has failed to sustain the burden that rests upon it in this case. To my mind, it has failed to overcome the presumption of innocence to which the defendant is entitled. Consequently, I must find that the defendant is not guilty of the violations charged in the two counts of the information and direct that this action must be dismissed."

**3509. Adulteration of frozen whole eggs. U. S. v. Highway Butter & Egg Co., Inc., and William Goldberg. Plea of guilty. Fine, \$300. (F. D. C. No. 6460. Sample No. 56909-E.)**

On June 16, 1942, the United States attorney for the Southern District of Indiana filed an information against Highway Butter & Egg Co., Inc., and William Goldberg, Indianapolis, Ind., alleging shipment on or about May 18, 1941, from the State of Indiana into the State of New York, of a quantity of frozen eggs which were adulterated in that they consisted in whole or in part of a putrid and decomposed substance.

On June 29, 1942, the defendants having entered a plea of guilty, the court imposed a fine of \$300 on defendants jointly.

**3510. Adulteration of frozen eggs. U. S. v. 800 Cans of Frozen Eggs. Consent decree of condemnation. Product ordered released under bond for segregation of good portion. (F. D. C. No. 7331. Sample No. 92274-E.)**

On April 13, 1942, the United States attorney for the Southern District of California filed a libel against 800 30-pound cans of frozen eggs at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about March 25, 1942, by Bradbury Produce from Woodward, Okla.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Bradbury Produce \* \* \* A1 Whole Eggs Frozen."

On April 24, 1942, Bradbury Produce, claimant, having admitted the allegations of the libel as to a portion of the shipment, judgment of condemnation was entered and the product was ordered released under bond for segregation of the good portion under the supervision of the Food and Drug Administration. Subsequently the rejected portion was destroyed.

**3511. Adulteration of frozen eggs. U. S. v. 52 Cans of Frozen Eggs. Default decree of condemnation and destruction. (F. D. C. No. 7486. Sample No. 93121-E.)**

On May 14, 1942, the United States attorney for the District of Montana filed a libel against 52 30-pound cans of frozen eggs at Butte, Mont., alleging that the article had been shipped in interstate commerce on or about March 20, 1942, by Nelson Ricks Creamery Co. from Rexburg, Idaho; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance which might have rendered it injurious to health. The article was labeled in part: (Cans) "Banquet Idaho Eggs."

On June 29, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3512. Adulteration of shell eggs. U. S. v. 14 Crates of Eggs. Default decree of condemnation and destruction. (F. D. C. No. 7138. Sample No. 90766-E.)**

Examination of this product showed the presence of mixed rots, heavy spot rots, and embryos.



On April 2, 1942, the United States attorney for the District of Massachusetts filed a libel against 14 crates, each containing 30 dozen eggs at Revere, Mass., alleging that the article had been shipped in interstate commerce on or about March 27, 1942, by G. M. Shone from Brentwood, N. H.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance, or was otherwise unfit for food. The article was unlabeled.

On May 25, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

## FISHERIES PRODUCTS

### CRAB MEAT

**3513. Action to enjoin and restrain distribution in interstate commerce of adulterated crab meat. U. S. v. H. Wallace and Harold M. Wallace (Gulf Crabmeat Co.). Consent decree granting permanent injunction. (Inj. No. 13.)**

On July 29, 1941, the United States attorney for the Southern District of Alabama filed a complaint against H. Wallace and Harold M. Wallace, Mobile, Ala., individually, and doing business as the Gulf Crabmeat Co., alleging that from on or about May 1, 1940, to the date of filing the complaint, the defendants had been preparing and packing crab meat under insanitary conditions whereby it might have become contaminated by filth and might have been rendered injurious to health; that the food so prepared and packed consisted in whole or in part of a filthy animal substance that was unfit for food and was adulterated in violation of the law; and that the crab meat so prepared and packed was being offered for interstate shipment. The complaint alleged further that the defendants had failed to remedy the defects existing in their plant and in their method of operation and were continually preparing and packing adulterated crab meat; that they would continue to ship such adulterated crab meat in interstate commerce unless enjoined from doing so; and prayed that a preliminary injunction issue and that after due proceedings the preliminary injunction be made permanent.

On July 31, 1941, the court entered a temporary restraining order; and on February 5, 1942, the defendants having admitted the allegations of the complaint and having consented to the entry of a decree, judgment was entered permanently enjoining and restraining the defendants and anyone acting on their behalf from shipping in interstate commerce crab meat which they had manufactured or processed and that was adulterated within the meaning of the law.

**3514. Adulteration of crab meat. U. S. v. Augustus L. Lyons. Plea of guilty. Fine, \$25; fine remitted. (F. D. C. No. 2925. Sample No. 9777-E.)**

On March 8, 1941, the United States attorney for the Southern District of Alabama filed an information against Augustus L. Lyons, Heron Bay, Ala., alleging that on or about June 12, 1940, the defendant gave to Star Fish & Oyster Co., Inc., Mobile, Ala., a guaranty that all crab meat furnished by the defendant to said company would be neither misbranded nor adulterated within the meaning of the Federal Food, Drug, and Cosmetic Act; that on or about June 20, 1940, the defendant sold and delivered to the Star Fish & Oyster Co., Inc., a quantity of crab meat; and that said crab meat was delivered by the purchaser for introduction in interstate commerce from the State of Alabama into the State of Maryland.

The information charged further that the defendant, in violation of said act, gave a guaranty which was false since the crab meat so sold and delivered was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On February 9, 1942, the defendant having entered a plea of guilty, the court imposed a fine of \$25, which was remitted.

**3515. Adulteration of crab meat U. S. v. John J. Illich (John's Fish Market). Plea of guilty. Fine, \$50 on each of 6 counts. Sentence suspended as to 5 of the 6 counts. Defendant placed on probation for 6 months. (F. D. C. No. 6434. Sample Nos. 50327-E to 50330-E, incl., 50849-E, 50850-E.)**

Inspection of the plant where this product was packed showed insanitary conditions. On May 27, 1942, the United States attorney for the Southern District of Mississippi filed an information against John J. Illich, trading as John's Fish Market, Biloxi, Miss., alleging shipment on or about July 10 and August 14 and 15, 1941, from the State of Mississippi into the State of Maryland of



quantities of crab meat which was adulterated in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On June 1, 1942, the defendant having entered a plea of guilty, the court imposed a fine of \$50 upon each of the 6 counts, suspending the fine on 5 counts and placing the defendant on probation for 6 months.

**3516. Adulteration of crab meat. U. S. v. 1 Barrel and 1 Barrel of Crab Meat. Default decrees of condemnation and destruction.** (F. D. C. Nos. 7556, 7600. Sample Nos. 59898-E, 87620-E.)

On May 15 and 21, 1942, the United States attorney for the District of Maryland filed libels against 1 barrel containing 50 1-pound cans of white and 13 1-pound cans of claw crab meat, and 1 barrel containing 75 1-pound cans of white and 25 1-pound cans of claw crab meat at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about May 12 and 18, 1942, by Biloxi Seafood Co. from Biloxi, Miss.; and charging that it was adulterated in that it had been prepared, packed, or held under insanitary conditions whereby it might have become contaminated with filth.

On June 17 and 24, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**3517. Adulteration of crab meat. U. S. v. 1 Barrel, 1 Barrel, 1 Barrel, and 1 Box of Crab Meat. Default decrees of condemnation and destruction.** (F. D. C. Nos. 7598, 7599, 7601. Sample Nos. 59896-E, 59897-E, 59899-E.)

On May 21 and 22, 1942, the United States attorney for the District of Maryland filed libels against 2 barrels each containing 100 pounds, 1 barrel containing 101 pounds, and 1 box containing 64 pounds of crab meat at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about May 18 and 19, 1942, by C. F. Gollott Seafood Co. from Biloxi, Miss.; and charging that it was adulterated in that it had been prepared, packed, or held under insanitary conditions whereby it might have become contaminated with filth.

On June 24 and 25, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**3518. Adulteration of crab meat. U. S. v. 244 Cans of Crab Meat. Default decree of condemnation and destruction.** (F. D. C. No. 7554. Sample No. 70571-E.)

Examination of this product showed that it contained fecal *B. coli*.

On May 14, 1942, the United States attorney for the Southern District of New York filed a libel against 244 pound cans of crab meat at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about May 12, 1942, by J. A. & C. Q. Goodrich from Oak Hill, Fla.; and charging that it was adulterated in that it consisted in whole or in part of a filthy animal substance. The article was labeled in part: (Cans) "Lagoon Quality Deluxe \* \* \* Crabmeat."

On June 12, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**FROZEN FISH AND SHELLFISH**

**3519. Adulteration of frozen shrimp. U. S. v. 16 Boxes of Frozen Shrimp. Default decree of condemnation and destruction.** (F. D. C. Nos. 6263, 6264. Sample Nos. 54420-E, 54421-E.)

Examination of this product showed the presence of decomposed shrimp.

On November 21, 1941, the United States attorney for the Eastern District of Pennsylvania filed a libel against 16 boxes of frozen shrimp at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about September 25 and 29 and October 6, 1941, by the Union Fish Co. from Baltimore, Md.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On January 5, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3520. Adulteration of frozen fish. U. S. v. 107 Boxes of Fish Fillets and 245 Boxes of Red Perek Fillets. Default decrees of condemnation and destruction.** (F. D. C. Nos. 7337, 7390. Sample Nos. 80801-E, 86548-E.)

Examination showed that this product was infested with parasites.

On April 23 and 24, 1942, the United States attorneys for the Northern District of Illinois and the Northern District of Ohio filed libels against 107 10-



pound boxes of fish fillets at Chicago, Ill., and 245 10-pound boxes of red perch fillets at Cleveland, Ohio, alleging that the articles had been shipped in interstate commerce on or about April 2 and 6, 1942, by Slade Gorton Co. from Boston, Mass.; and charging that they were adulterated in that they consisted in whole or in part of filthy substances. The articles were labeled in part: "Fish Fillets [or "Red Perch Fillets \* \* \* "] T & J Busalacchi Inc. Boston Mass."

On June 10 and August 6, 1942, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

**3521. Adulteration of frozen perch fillets. U. S. v. 200 Boxes of Fillets. Default decree of condemnation and destruction. (F. D. C. No. 7571. Sample No. 64887-E.)**

Examination showed that this product was infested with parasites.

On May 28, 1942, the United States attorney for the Western District of Pennsylvania filed a libel against 200 10-pound boxes of red perch fillets at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about May 18, 1942, by the Frank Ellsworth Co. from Boston, Mass.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Boxes) "T. & J. Busalacchi Inc. Boston Mass. Fish Fillets Deep Sea Brand Red Perch Fillets."

On June 23, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

MISCELLANEOUS

**3522. Misbranding of canned salmon. U. S. v. 135 Cases of Salmon. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 6322. Sample No. 58659-E.)**

This product was deceptively packaged. Furthermore, it was labeled to indicate that it was red salmon; whereas it was not red salmon, but was king salmon.

On December 2, 1942, the United States attorney for the District of Minnesota filed a libel against 135 cases, each containing 48 15-ounce cans, of salmon at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce on or about September 26, 1941, by Wm. W. McBride Co. from Seattle, Wash.; and charging that it was misbranded. It was labeled in part: (Cans) "Farbest Select Salmon Natural Red Color and Oil \* \* \* Packed \* \* \* For Farwest Fisheries Inc. Seattle."

The article was alleged to be misbranded (1) in that the label statement, "Select Salmon Natural Red Color and Oil," and the design of a cut salmon on a plate, showing a red color on the exposed surface of the meat, implying that the article was a species of salmon known as red salmon, were false and misleading as applied to king salmon, a different species; and (2) in that its container was so filled as to be misleading since the fill of the cans averaged only 87.7 percent, whereas properly filled cans of salmon should be over 90 percent filled.

On January 29, 1942, Whitney & Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

**3523. Adulteration and misbranding of canned sardines. U. S. v. 23 Cases, 249 Cases, 224 Cases, and 165 Cases of Canned Sardines. Consent decrees of condemnation. Product released under bond to be relabeled. (F. D. C. Nos. 5434, 5597, 5888, 5938. Sample Nos. 62273-E, 69596-E, 69601-E, 75512-E.)**

On August 25, September 2 and 30, and October 7, 1941, the United States attorneys for the Southern and Eastern Districts of New York, District of Massachusetts, and the Northern District of Illinois filed libels against the following quantities of canned sardines—23 cases each containing 100 3¼-ounce cans at New York, N. Y.; 249 cases each containing 100 3¼-ounce cans at Brooklyn, N. Y.; 224 cases each containing 100 3½-ounce cans at Somerville, Mass.; and 165 cases each containing 100 3¼-ounce cans at Chicago, Ill., alleging that the article had been shipped on or about July 4 and 25 and August 15, 1941, by the Addison Packing Co. from Ellsworth, Maine; and charging that it was adulterated and misbranded. It was labeled in part: "Surfman Brand Selected Maine Sardines in Pure Olive Oil"; or "Farm House Brand American Sardines Reid Murdoch & Co. Distributors Chicago."

The article was alleged to be adulterated in that a valuable constituent, olive oil, had been in whole or in part omitted therefrom. A portion of the article was alleged to be adulterated in that sardines in an oil other than olive oil had



been substituted for sardines in pure olive oil, which it purported to be. The remainder of the article was alleged to be adulterated in that an oil other than olive oil had been substituted for pure olive oil, which it purported to be.

The article was alleged to be misbranded in that the statement "In Pure Olive Oil" or "Packed in Pure Olive Oil" was false and misleading as applied to an article that consisted largely of an oil other than olive oil and that contained little or no olive oil.

On September 23, October 7, and December 4 and 16, 1941, the B. O. Bowers Co., claimant for the seizures at New York and Brooklyn, and the Addison Packing Co., claimant for the seizures at Somerville and Chicago, having admitted the allegations of the libel, judgments of condemnation were entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

**3524. Adulteration and misbranding of canned sardines. U. S. v. 61 Cartons of Canned Sardines. Consent decree of forfeiture ordering the product released under bond to be relabeled. (F. D. C. No. 6033. Sample No. 51906-E.)**

On October 15, 1941, the United States attorney for the District of Massachusetts filed a libel against 61 cartons, each containing 100 cans, of sardines at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about August 25, 1941, by Reeves Parvin & Co. from Ellsworth, Maine; and charging that it was adulterated and misbranded. It was labeled in part: (Cans) "Contents 3¼ Ozs. Surfman Brand Selected Maine Sardines in Pure Olive Oil Packed by Addison Packing Co., Southwest Harbor, Me."

The article was alleged to be adulterated (1) in that a valuable constituent, olive oil, had been in whole or in part omitted therefrom; and (2) in that an article, sardines in an oil other than olive oil, had been substituted for sardines in pure olive oil, which it purported to be.

It was alleged to be misbranded in that the statement "In Pure Olive Oil" was false and misleading as applied to an article that consisted largely of an oil other than olive oil and that contained little or no olive oil.

On January 7, 1942, Addison Packing Co., claimant, having admitted the allegations of the libel, judgment of forfeiture was entered and the product was ordered released upon the deposit of collateral conditioned that it be relabeled under the supervision of the Food and Drug Administration.

**3525. Adulteration of tullibeets. U. S. v. 107 Boxes of Frozen Fish. Default decree of condemnation and destruction. (F. D. C. No. 7073. Sample No. 74260-E.)**

Examination showed that this product contained parasitic worms.

On March 21, 1942, the United States attorney for the District of New Jersey filed a libel against 107 boxes, each containing 130 to 140 pounds, of frozen fish at Jersey City, N. J., alleging that the article had been shipped in interstate commerce on or about February 16, 1942, by Atlantic Fish & Oyster Co. from Chicago, Ill.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Product of Canada Cold Storage Lot 23106 Rec'd 2 18 42."

On May 9, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

## FRUITS AND VEGETABLES

### APPLES

**3526. Adulteration of apples. U. S. v. 241 Boxes of Apples. Default decree of condemnation and destruction. (F. D. C. No. 6386. Sample No. 70225-E.)**

Examination showed that this product was contaminated with spray residue containing lead and arsenic.

On December 2, 1941, the United States attorney for the Northern District of Georgia filed a libel against 241 boxes of apples at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about November 1, 1941, by Mojonner & Sons, Inc., from Wenatchee, Wash.; and charging that it was adulterated in that it bore or contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it injurious to health. The article was labeled in part: "Blue Mountain Brand Apples."

On April 7, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.



## CITRUS PEEL

**3527. Adulteration of orange peel cubes. U. S. v. 13 Barrels of Orange Peel Cubes. Default decree of condemnation and destruction. (F. D. C. No. 6057. Sample No. 42764-E.)**

Examination of this product showed the presence of insect fragments.

On October 21, 1941, the United States attorney for the Western District of Pennsylvania filed a libel against 13 barrels of orange peel cubes at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about August 29 and September 9, 1941, from New York, N. Y., by the National Biscuit Co.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Net 450 lbs. \* \* \* Natural Orange Peel Cubes \* \* \* Manufactured by Orange Products Co."

On November 25, 1941, no claimant having appeared, decree of condemnation was entered and the product was ordered destroyed.

**3528. Adulteration of tutti frutti diced mixed fruit peels. U. S. v. 5 Cans of Diced Mixed Fruit Peels. Default decree of condemnation and destruction. (F. D. C. No. 6086. Sample No. 74075-E.)**

This product contained insect fragments and larvae.

On or about October 25, 1941, the United States attorney for the District of Connecticut filed a libel against 5 60-pound cans of mixed fruit peel at Bridgeport, Conn., alleging that the article had been shipped in interstate commerce on or about September 30, 1941, by Ohls Brands Co. from Jersey City, N. J.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Tutti Frutti \* \* \* Contains Orange Peel, Grapefruit Citron Melon."

On May 19, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

## CANNED FRUITS

Nos. 3529 to 3532 report the seizure and disposition of canned blackberries that contained mold.

**3529. Adulteration of canned blackberries. U. S. v. 17 Cases of Canned Blackberries. Default decree of condemnation and destruction. (F. D. C. No. 7410. Sample No. 93226-E.)**

On April 29, 1942, the United States attorney for the District of Oregon filed a libel against 17 cases, each containing 6 No. 10 cans, of blackberries at La Grande, Oreg., alleging that the article had been shipped in interstate commerce on or about October 28, 1941, by Interior Grocery Co. from Walla Walla, Wash.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Wadco Brand \* \* \* Blackberries \* \* \* Packed Expressly For Wadhams & Co. Portland Oregon."

On June 9, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3530. Adulteration of canned blackberries. U. S. v. 160 Cases of Canned Blackberries. Default decree of condemnation and destruction. (F. D. C. No. 7096. Sample No. 79189-E.)**

On March 26, 1942, the United States attorney for the Eastern District of Tennessee filed a libel against 160 cases, each containing 6 No. 10 cans, of blackberries at Chattanooga, Tenn., alleging that the article had been shipped in interstate commerce on or about February 4, 1942, by Paulus Bros. Packing Co. from Salem, Oreg.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance, or was otherwise unfit for consumption as a food product. The article was labeled in part: (Cans) "Crater Blue Brand Blackberries."

On May 5, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3531. Adulteration of canned blackberries and canned cherries. U. S. v. 43 Cartons of Canned Blackberries and 50 Cases of Canned Cherries. Decrees of destruction. (F. D. C. Nos. 7084, 7838. Sample Nos. 61941-E, 63794-E.)**

Examination showed that the blackberries contained moldy berries and that the cherries contained worms.



On March 27 and July 1, 1942, the United States attorneys for the District of Wyoming and the District of Idaho filed libels against 43 cartons each containing 6 No. 10 cans of blackberries at Cheyenne, Wyo., and 50 cases each containing 6 No. 10 cans of cherries at Lewiston, Idaho, alleging that the articles had been shipped in interstate commerce on or about March 5 and May 29, 1942, by Pacific Fruit & Produce Co. from Seattle, Wash., and Portland, Oreg.; and charging that they were adulterated in that they consisted wholly or in part of filthy substances. The articles were labeled in part: (Cans) "Nation's Garden Brand Water Pack Blackberries \* \* \* Packed For Fine Foods, Inc. Seattle Minneapolis"; or "Mountainview Brand Water Pack Red Sour Pitted Cherries \* \* \* Packed By Western Oregon Packing Corp. Corvallis Oregon."

On May 22, 1942, Pacific Fruit & Produce Co. having consented to the entry of a decree of condemnation of the blackberries, judgment of condemnation was entered and they were ordered destroyed. On August 12, 1942, no claimant having appeared for the cherries, judgment was entered ordering that they be destroyed.

**3532. Adulteration of canned blackberries. U. S. v. 15 Cases and 15 Cases of Canned Blackberries. Default decrees of condemnation and destruction. (F. D. C. Nos. 6641, 6642. Sample Nos. 61579-E, 61580-E.)**

On January 2 and 3, 1942, the United States attorneys for the Eastern and the Western Districts of Pennsylvania filed libels against 15 cases, each containing 6 No. 10 cans, of blackberries at Allentown, Pa., and 15 cases, each containing 6 No. 10 cans, of blackberries at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about October 13, 1941, by Washington Packers, Inc., from Tacoma and Sumner, Wash.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Inavale Brand \* \* \* Blackberries."

On January 28 and February 16, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**3533. Misbranding of canned cherries. U. S. v. 367 Cases of Canned Cherries. Consent decree of condemnation. Product ordered released under bond to be reconditioned. (F. D. C. No. 6630. Sample No. 72535-E.)**

This product was substandard in quality not only because of excessive pits, but also because of low drained weight.

On January 2, 1942, the United States attorney for the Southern District of California filed a libel against 367 cases, each containing 6 No. 10 cans, of cherries at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about September 30, 1941, by Cherry Products Co. from Loveland, Colo.; and charging that it was misbranded. It was labeled in part: "Morello Cherries."

The article was alleged to be misbranded (1) in that it was in package form and did not bear a label containing the name and place of business of the manufacturer, packer, or distributor; (2) in that it was in package form and did not bear an accurate statement of the quantity of contents; (3) in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard and its label did not bear in such manner and form as the regulations specify, a statement that it fell below such standard; and (4) in that it purported to be a food for which a standard of fill of container had been prescribed by regulations as provided by law, but it fell below the standard of fill of container applicable thereto and its label failed to bear in such manner and form as the regulations specify, a statement that it fell below such standard.

On January 21, 1942, Reinke, Hiller & Amende, Inc., Los Angeles, Calif., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reconditioned under the supervision of the Food and Drug Administration. It was relabeled.

**3534. Adulteration of canned cherries. U. S. v. 200 Cases of Cherries. Consent decree ordering portion of product released to consignee; remainder ordered destroyed. (F. D. C. No. 5769. Sample No. 61543-E.)**

Examination showed that this product contained maggots.

On September 17, 1941, the United States attorney for the Territory of Hawaii filed a libel against 200 cases, each containing 6 No. 10 cans, of cherries at Honolulu, T. H., which had been consigned by Washington Packers, Inc., alleging that the article had been shipped in interstate commerce on or about August 19, 1941, by Washington Packers, Inc., from Sumner, Wash.; and charging that it was adulterated in that it contained maggots and was in whole or in part filthy, putrid, and decomposed and otherwise unfit for food.



The article was labeled in part: "Inavale Brand Water Pack Pitted Red Tart Cherries."

On March 19, 1942, Washington Packers, Inc., claimant, having admitted the allegations of the libel as to a portion of the product, judgment was entered ordering that that portion be destroyed. The remaining portion, which had been found fit for human consumption was released to the consignee for its use.

**3535. Misbranding of canned grapefruit. U. S. v. 27½ Cases and 10 Cases of Canned Grapefruit. Decrees of condemnation. Product ordered delivered to local charitable agencies.** (F. D. C. No. 6885. Sample No. 65964-E.)

Examination showed that this product was not of Fancy quality, as labeled, because of the presence of seeds, badly disintegrated segments, and marked variation in the size of segments which were not disintegrated.

On April 15 and May 18, 1942, the United States attorney for the District of Colorado filed libels against 37½ cases, each full case containing 24 No. 2 cans, of grapefruit at Denver, Colo., which had been consigned by the First National Bank of Mission, alleging that the article had been shipped in interstate commerce on or about September 19, 1941, from McAllen, Tex.; and charging that it was misbranded. It was labeled in part: (Cans) "Full O'Life Fancy Sections Pink Grapefruit \* \* \* Brough Canning Corporation Mission Texas."

The article was alleged to be misbranded in that the term "Fancy" was false and misleading as applied to an article that was not of Fancy quality.

On April 29 and June 5, 1942, the First National Bank of Mission, Tex., owner of the product, having signed an acceptance of service and authorization for taking of final decree, judgments of condemnation were entered and the product was ordered delivered to local charitable agencies.

**3536. Adulteration of canned huckleberries. U. S. v. 20 Cases, 118 Cases, and 20 Cases of Canned Huckleberries. Default decrees of condemnation and destruction.** (F. D. C. Nos. 6940, 7121, 7184. Sample Nos. 85349-E, 85391-E, 93216-E.)

Examination showed that this product contained insect larvae.

On February 27 and April 2 and 9, 1942, the United States attorney for the District of Oregon filed libels against 138 cases each containing 6 No. 10 cans of huckleberries at Portland, and 20 cases each containing 6 No. 10 cans of huckleberries at Eugene, Oreg., alleging that the article had been shipped in interstate commerce on or about January 9, 1942, by Washington Packers, Inc., from Puyallup, Wash.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Cans) "White Star Brand Huckleberries \* \* \* Packed for General Grocery Company, Inc., Portland, Oregon."

On April 13 and May 11, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**3537. Misbranding of canned pears. U. S. v. 89 Cases of Canned Pears. Default decree of condemnation. Product ordered delivered to local charitable agencies.** (F. D. C. No. 6875. Sample No. 65983-E.)

Examination showed that this product was substandard in quality because all units were not untrimmed or so trimmed as to preserve their normal shape.

On February 17, 1942, the United States attorney for the District of Colorado filed a libel against 89 cases, each containing 24 cans, of pears at Denver, Colo., which had been consigned by the Olympia Canning Co., alleging that the article had been shipped in interstate commerce on or about August 28, 1941, from Olympia, Wash.; and charging that it was misbranded. It was labeled in part: (Cans) "Silver Band Net Weight 1 Lb. 12 Ozs. Barlett Pear Halves in Medium Syrup The Morey Mercantile Company Distributors Denver, Colo."

The article was alleged to be misbranded in that it purported to be and was represented as a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard and its label failed to bear, in such manner and form as the regulations specify, a statement that it fell below such standard.

On April 18, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to local charitable agencies.



## GLACE FRUIT

**3538. Adulteration of glace fruit. U. S. v. 217 Cases, 8 Cases, and 7 Cases of Glace Fruit. Consent decree of condemnation. Product released under bond for reconditioning.** (F. D. C. No. 6088. Sample Nos. 22673-E, 22674-E, 22675-E.)

Examination show that these products contained rodent hairs.

On October 28, 1941, the United States attorney for the Eastern District of Washington filed a libel against 232 cases of glace fruit at Spokane, Wash., alleging that the article had been shipped in interstate commerce on or about August 28, 1941, by the L. De Martini Co. from San Francisco, Calif.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. It was labeled in part: "Roundup Brand Pure Sherry Wine Flavored Diced Glace Fruit Mix"; or "Glace Pineapple Slices \* \* \* Packed for Roundup Grocery Co. Spokane, Wash."

On April 27, 1942, L. De Martini Co., San Francisco, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reconditioned under the supervision of the Food and Drug Administration. The glace fruit mix was thoroughly cleansed by washing and cooked in heavy sirup and the glace pineapple slices were destroyed because reconditioning was unsuccessful.

## CANNED VEGETABLES

**3539. Adulteration of canned frijole beans. U. S. v. 16 Cases of Canned Frijole Beans. Default decree of condemnation and destruction.** (F. D. C. No. 7446. Sample No. 92316-E.)

Examination of this product showed that the chili sauce packing medium contained decomposed material, as evidenced by the presence of excessive mold.

On May 8, 1942, the United States attorney for the District of Arizona filed a libel against 16 cases, each containing 48 15-ounce cans, of frijole beans at Globe, Ariz., alleging that the article had been shipped in interstate commerce on or about February 3, 1942, by Dowlett Packing Co. from Canutillo, Tex.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Valley Brand \* \* \* Frijole Beans With Chili Sauce Packed by The Valley Canning Company, Canutillo, Texas."

On June 22, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3540. Misbranding of canned corn. U. S. v. 616 Cases of Canned Corn. Consent decree of condemnation. Product ordered released under bond for re-labeling.** (F. D. C. No. 6889. Sample No. 87821-E.)

This product was not of Grade A quality because the corn was too mature.

On February 19, 1942, the United States attorney for the Eastern District of Virginia filed a libel against 616 cases of canned corn at Richmond, Va., alleging that the article had been shipped in interstate commerce on or about January 28, 1942, by Edward G. Ruff from Delta, Pa.; and charging that it was misbranded in that the statement "Grade A," appearing on the label, was false and misleading as applied to canned corn that was not of grade A quality. It was labeled in part: "Reliable White Sweet Shoepeg Corn Grade A Whole Kernel."

On May 2, 1942, Edward G. Ruff, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled under the supervision of the Food and Drug Administration.

**3541. Misbranding of canned corn. U. S. v. 171 Cases of Canned Corn. Consent decree ordering product released under bond to be relabeled.** (F. D. C. No. 6795. Sample No. 80154-E.)

Examination of this product showed that it was not of Fancy quality because of the presence of hard and mature kernels and particles of husk and cob.

On January 30, 1942, the United States attorney for the Northern District of Ohio filed a libel against 171 cases of canned corn at Cleveland, Ohio, alleging that the article had been shipped in interstate commerce on or about January 2, 1942, by the Rossville Packing Co. from Rossville, Ill.; and charging that it was misbranded in that the statement "Fancy," appearing on the label, was false and misleading as applied to an article that contained hard and mature kernels and



particles of husk and cob. It was labeled in part: "Weideman Boy Brand Fancy Country Gentleman Corn Cream Style."

On May 5, 1942, the Rossville Packing Co., claimant, having admitted the allegations of the libel, judgment was entered finding the product misbranded and ordering that it be released under bond conditioned that it be relabeled in compliance with the law.

**3542. Adulteration and misbranding of canned peas. U. S. v. Eastern Shore Canning Co. Plea of nolo contendere. Fine, \$125. (F. D. C. No. 2936. Sample Nos. 2659-E, 14356-E, 33186-E.)**

These canned peas were of substandard quality and they were not labeled to show that fact.

On September 11, 1941, the United States attorney for the Eastern District of Virginia filed an information against the Eastern Shore Canning Co., Machipongo, Va., alleging: (1) That on or about July 15, 1939, the defendant gave to Albert W. Sisk & Son, Preston, Md., a guaranty that all food furnished by the defendant to said company would be neither misbranded nor adulterated within the meaning of the Federal Food, Drug, and Cosmetic Act; (2) That within the period from on or about June 3 to on or about June 8, 1940, the defendant sold and delivered to Albert W. Sisk & Son a quantity of canned peas; (3) that the said canned peas were introduced by the purchaser in interstate commerce from the State of Virginia into the States of Maryland and Massachusetts; and (4) that the defendant in violation of the law had given a guaranty that was false since the article so sold and delivered was (a) adulterated in that canned peas that were substandard in quality had been substituted for canned peas of standard quality, and (b) misbranded in that they purported to be or were represented as canned peas of the Alaska or other smooth skin variety, a food for which a standard of quality had been prescribed by regulations as provided by law, but their quality fell below the standard so prescribed since their alcohol-insoluble solids were more than 23.5 percent and the label did not bear in such manner and form as the regulations specify, a statement that the food fell below such standard.

The information alleged further that the defendant on or about June 5, 6, and 14, 1940, had delivered the said canned peas, adulterated and misbranded as described in the preceding paragraph, for introduction in interstate commerce from the State of Virginia into the States of Massachusetts and Pennsylvania. The article was labeled in part: "Virginia's Best [or "Escco Brand"] Early June Peas. Contents 1 Lb. 4 Ozs. Packed by Eastern Shore Canning Co."

On November 13, 1941, a plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$125.

**3543. Misbranding of canned peas. U. S. v. 371 Cases of Canned Peas. Consent decree of condemnation. Product ordered released under bond for re-labeling upon deposit of collateral. (F. D. C. No. 3895. Sample No. 50659-E.)**

This product was substandard in quality because the skins of more than 25 percent of the peas in the container were ruptured, and the alcohol-insoluble solids of the peas were more than 23.5 percent.

On February 28, 1941, the United States attorney for the Eastern District of Virginia filed a libel against 371 cases of canned peas at Culpeper, Va., alleging that the article had been shipped in interstate commerce on or about July 2, 1940, by Wm. Silver & Co., Inc., from Lineboro, Md.; and charging that it was misbranded. It was labeled in part: "Just Suits Brand Early June Peas."

The article was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law but its quality fell below such standard and its label did not bear in such manner and form as the regulations specify, a statement that it fell below such standard.

On August 14, 1941, Wm. Silver & Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released upon deposit of cash collateral conditioned that it be relabeled under the supervision of the Food and Drug Administration.

**3544. Misbranding of canned peas. U. S. v. 224 Cases of Canned Peas. Default decree of forfeiture. Product ordered delivered to charitable institutions. (F. D. C. No. 6973. Sample No. 79624-E.)**

Examination showed that this product was not of Fancy quality because the peas were too old. The label did not bear the varietal name of the peas, Early June.



On March 4, 1942, the United States attorney for the Southern District of Indiana filed a libel against 224 cases of canned peas at Indianapolis, Ind., alleging that the article had been shipped in interstate commerce on or about August 5 and 16, 1941, by Clyman Canning Co. from Clyman, Wis.; and charging that it was misbranded in that the term "Fancy" appearing on the label was false and misleading as applied to said article, since it was not Fancy because the peas were too old; and in that it purported to be a food for which a definition and standard of identity had been prescribed by law, and its label failed to bear the name of the optional ingredient, i. e., "Early," "June," or "Early June." It was labeled in part: "Hoosier Poet Brand Fancy Extra Sifted Peas \* \* \* Packed For M. O'Connor & Co. Indianapolis, Ind."

On May 4, 1942, no claimant having appeared, judgment of forfeiture was entered and the product was ordered delivered to charitable institutions.

**3545. Misbranding of canned peas. U. S. v. 449 Cases of Canned Peas. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 6945. Sample No. 84541-E.)**

This product was not of Fancy quality because the peas were too mature.

On February 26, 1942, the United States attorney for the Eastern District of New York filed a libel against 449 cases of canned peas at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about September 15, 1941, by Marshfield Canning Co. from Marshfield, Wis.; and charging that it was misbranded in that the statement "Fancy," appearing on the label, was false and misleading as applied to canned peas that were not of Fancy quality. It was labeled in part: "Progresso Brand Fancy Tender Garden Sweet Peas."

On June 3, 1942, the Uddo & Taormina Co., Brooklyn, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled in compliance with the law.

**3546. Adulteration of canned spinach. U. S. v. 312 Cases of Spinach. Default decree of condemnation and destruction. (F. D. C. No. 7133. Sample No. 83719-E.)**

Examination showed that this product contained insect fragments and larvae.

On April 8, 1942, the United States attorney for the Eastern District of Louisiana filed a libel against 312 cases, each containing 24 No. 2 cans, of spinach at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about October 26, 1941, by the Good Canning Co. from Fort Smith, Ark.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Cans) "Iona Spinach Standard Quality \* \* \* The Great Atlantic & Pacific Tea Co., New York, N. Y., Distributors."

On May 21, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3547. Adulteration of canned turnip greens. U. S. v. 32 Cases, 49 Cases, and 46 Cases of Canned Turnip Greens. Default decrees of condemnation and destruction. (F. D. C. Nos. 7111, 7163, 7348. Sample Nos. 70801-E, 70821-E, 70823-E, 70829-E.)**

Examination showed that this product contained cockleburrs.

On April 1, 8, and 15, 1942, the United States attorneys for the Northern and the Middle Districts of Georgia filed libels against 81 cases each containing 24 cans of turnip greens at Atlanta, and 46 cases each containing 24 cans of turnip greens at Columbus, Ga., alleging that the article had been shipped in interstate commerce on or about December 1 and 8, 1941, and February 10, 1942, by Alabama Products Canning Co., Inc., from Roanoke, Ala.; and charging that it was adulterated in that it contained an added deleterious substance, cockleburrs, which might have rendered it injurious to health. The article was labeled in part: (Cans) "Morris Brand Turnip Greens Contents 1 Lb. 2 Oz. [or "1 Lb. 11 Oz."]."

On May 1 and 16, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**3548. Adulteration of canned turnip greens. U. S. v. 150 Cases and 5 Cases of Canned Turnip Greens (and 2 other seizure actions against turnip greens). Default decrees of condemnation and destruction. (F. D. C. Nos. 7469, 7530, 7603. Sample Nos. 48681-E, 70562-E, 70580-E.)**

Examination showed that this product was insect-infested.

On or about May 8 and 20 and June 4, 1942, the United States attorney for the Southern District of Florida filed libels against 150 cases each containing 6 cans



and 5 cases each containing 24 cans of turnip greens at Orlando, 104 cases each containing 24 cans of turnip greens at Tampa, and 101 cases each containing 24 cans of turnip greens at Jacksonville, Fla., alleging that the article had been shipped in interstate commerce within the period from on or about November 24, 1941, to on or about March 31, 1942, by the Concord Corporation from Cairo, Ga.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Crine's Quality Turnip Greens Contents 6 Lbs. 2 Ozs. [or "1 Lb. 11 Oz." or "1 Lb. 2 Ozs."]."

On June 5 and 26 and July 9, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

#### TOMATOES AND TOMATO PRODUCTS

**3549. Adulteration and misbranding of canned tomatoes. U. S. v. 1,000 Cases and 2,200 Cases of Canned Tomatoes. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of unfit portion and relabeling of remainder. (F. D. C. Nos. 6327, 6363, 6364, 6365. Sample Nos. 67501-E, 67502-E, 67503-E, 67119-E, 67120-E.)**

Examination showed that this product was substandard, that a portion was short weight, and that a portion was in part decomposed.

On December 10, 1941, the United States attorney for the Eastern District of Oklahoma filed libels against 1,000 cases of canned tomatoes at Ada, Okla., 600 cases at Hugo, Okla., and 1,600 cases at McAlester, Okla., alleging that the article had been shipped in interstate commerce within the period from on or about September 1, 1941, to on or about September 19, 1941, by Smith Canning Co. from Prairie Grove and Fayetteville, Ark.; and charging that it was misbranded and that a portion was also adulterated. It was labeled in part: "Cowboy Tomatoes Contents 1 Lb. 3 Oz. Hale-Halsell Company Distributors \* \* \* McAlester, Okla."

A portion of the article (2,200 cases) was alleged to be adulterated in that it consisted in whole or in part of a decomposed substance. The said portion was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law and its quality fell below such standard because the drained weight, as determined by the method prescribed in the standard, was less than 50 percent of the weight of water required to fill the container and its label failed to bear in such manner and form as such regulations specify a statement that it fell below such standard.

The remaining 1,000 cases were alleged to be misbranded (1) in that the statement "Contents 1 Lb. 3 Oz." was false and misleading as applied to an article that was short weight; (2) in that the article was in package form and failed to bear a label containing an accurate statement of the quantity of contents; and (3) in that it purported to be a food for which a standard of fill of container had been prescribed by regulation as provided by law and fell below such standard, since the fill of container was less than 90 percent of the total capacity of the container, and its label failed to bear, in manner and form as specified by law, a statement that it fell below such standard.

On February 7, 1942, the Hale-Halsell Company, claimant, having admitted the allegations of the libels, and the cases having been consolidated, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be destroyed or brought into compliance with the law under the supervision of the Food and Drug Administration. On May 12, 1942, the 1,000 cases that were misbranded only, having been brought into compliance with the law, were ordered delivered to the claimant.

**Nos. 3550 to 3569** report actions based on interstate shipment of tomato products that contained decomposed material, as evidenced by the presence of excessive mold.

**3550. Adulteration of tomato catsup, tomato puree, and tomato paste. U. S. v. Ivan C. Morgan (Morgan Packing Co.). Plea of guilty. Fine, \$400. (F. D. C. No. 5537. Sample Nos. 42237-E, 42714-E, 47147-E, 47421-E, 56581-E, 56584-E, 5373-E, 5375-E.)**

On April 10, 1942, the United States attorney for the Southern District of Indiana filed an information against Ivan C. Morgan, trading as Morgan Packing Co. at Austin, Ind., alleging shipment within the period from on or about August 6, 1940, to on or about March 5, 1941, from the State of Indiana into the States of New York, Ohio, Illinois, Kentucky, and Tennessee of quantities of tomato catsup, tomato puree, and tomato paste that were adulterated in that they consisted in whole or in part of decomposed substances. The articles were labeled variously:



"American Beauty Brand Tomato Catsup"; "Cream Brand Tomato Catsup Packed For Mahoning Valley Flour Co. Youngstown, Ohio"; "Scott Co. Brand Tomato Puree"; "Kenmore \* \* \* Tomato Catsup Packed For John Sexton & Co. Distributors Chicago-Brooklyn Established 1883"; "Bel Paese Brand Tomato Paste"; and "Columbus Tomato Puree \* \* \* Packed by Columbus Packing Co., Columbus, Ind."

On April 20, 1942, the defendant having entered a plea of guilty, the court imposed a fine of \$400.

**3551. Adulteration of tomato ketchup. U. S. v. 78 Cases of Ketchup. Default decree of condemnation and destruction.** (F. D. C. No. 7168. Sample No. 87158-E.)

On April 8, 1942, the United States attorney for the District of Columbia filed a libel against 78 cases, each containing 24 bottles, of tomato ketchup at Washington, D. C., alleging that the article had been shipped in interstate commerce on or about February 23, 1942, by Hirsch Bros. & Co., Inc., from Louisville, Ky.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Bottles) "14 Oz. Avd. Paramount Oyster Hot Ketchup."

On May 8, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3552. Adulteration of tomato catsup. U. S. v. 29 Cases, 1,400 Cases, and 1,218 Cases of Tomato Catsup. Default decrees of destruction.** (F. D. C. Nos. 6755, 7346, 7425. Sample Nos. 73206-E, 73212-E, 86604-E.)

On January 28, April 15, and May 7, 1942, the United States attorneys for the Northern District of Illinois and the Western District of Missouri filed libels against 29 cases each containing 24 14-ounce bottles of tomato catsup at Chicago, Ill., and 2,618 cases each containing 24 14-ounce bottles of tomato catsup at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about August 22, 1941, and March 21 and April 7, 1942, by Summit Packing Co. from La Porte and Wellsboro, Ind.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Bottles) "Pugin's \* \* \* Tomato Catsup," or "Lady Clare Brand Tomato Catsup."

On April 24 and June 27, 1942, no claimant having appeared, judgments were entered ordering that the product be destroyed.

**3553. Adulteration of tomato catsup. U. S. v. 920 Cases of Tomato Catsup (and 8 other seizure actions against tomato catsup). Cases ordered consolidated. Consent decrees of condemnation entered and product ordered released under bond.** (F. D. C. Nos. 6309 to 6313, incl., 6372, 6387, 6388, 6546. Sample Nos. 62995-E, 71141-E, 71142-E, 79241-E, 79242-E, 79321-E, 79322-E, 79543-E, 79544-E, 79742-E.)

Between November 28 and December 17, 1941, the United States attorneys for the Southern District of Ohio, the Northern District of Ohio, the Eastern District of Michigan, and the Eastern District of Missouri filed libels against 1,069 cases of tomato catsup at Cincinnati, 704 cases at Cleveland, and 1,832 cases at Toledo, Ohio; 1,498 cases at Detroit, Mich., and 582 cases at St. Louis, Mo., alleging that the article had been shipped in interstate commerce within the period from on or about September 7 to on or about November 26, 1941, by G. S. Suppiger Co. from Mount Summit, Ind., and Collinsville, Ill.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part variously: "Brooks Tabasco Flavor Catsup"; "Brooks Old Original Catsup"; or "Highland Brand Tomato Catsup \* \* \* Distributed By Associated Grocers St. Louis, Mo."

On March 14, 1942, the G. S. Suppiger Co. having appeared as claimant, an order was entered in the Southern District of Ohio consolidating all cases for final disposition in that district. On July 18, 1942, the claimant having admitted the allegations of the libels, judgment of condemnation was entered and the product was ordered released under bond for segregation and destruction, under the supervision of the Food and Drug Administration, of all portions that failed to comply with the law.

**3554. Adulteration of tomato juice. U. S. v. 248 Cases of Tomato Juice. Decree of condemnation and destruction.** (F. D. C. No. 7012. Sample No. 89058-E.)

On March 12, 1942, the United States attorney for the Eastern District of New York filed a libel against 248 cases of tomato juice at Brooklyn, N. Y., alleging the article had been shipped in interstate commerce on or about January 28 and



February 5, 6 and 9, 1942, by Francis C. Stokes Co., from Vincentown, N. J.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Tomato Juice Sweet Life \* \* \* Distributed by Sweet Life Food Corp. Brooklyn, N. Y."

On May 21, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3555. Adulteration of tomato paste. U. S. v. 24 Cases and 48 Cases of Tomato Paste. Default decrees of condemnation and destruction. (F. D. C. Nos. 7387, 7482. Sample Nos. 23886-E, 64870-E.)**

On April 24 and May 8, 1942, the United States attorney for the Western District of Pennsylvania filed libels against 72 cases, each containing 100 cans, of tomato paste at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about February 28 and April 14, 1942, by Harcourt, Greene Co. from Alameda, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Contadina Pure With Sweet Basil Tomato Paste Net Wt. 6 Oz. \* \* \* Packed by Hershel Cal. Fruit Prod. Co. San Jose, Calif."

On June 5 and 11, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**3556. Adulteration of tomato paste. U. S. v. 185 Cases of Tomato Paste. Portion of product condemned and ordered destroyed. Remainder ordered released. (F. D. C. No. 6937. Sample No. 81548-E.)**

On February 27, 1942, the United States attorney for the District of Colorado filed a libel against 185 cases each containing 100 6-ounce cans of tomato paste at Denver, Colo., which had been consigned by Italian Food Products Co., Inc., alleging that the article had been shipped in interstate commerce on or about October 28 and November 18, 1941, from Long Beach, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Campania Brand \* \* \* Tomato Paste."

On June 1, 1942, the West Coast Packing Corporation, claimant, having admitted that a portion of the article (37 cases) was adulterated and the court having found that the said 37 cases were adulterated but that the allegations of the libel had not been sustained with respect to the remainder, judgment was entered condemning and ordering destruction of the former portion and ordering release of the latter.

**3557. Adulteration of tomato paste. U. S. v. 254 Cases and 149 Cases of Tomato Paste. Decrees of condemnation. Portion of product ordered destroyed; remainder ordered released under bond for segregation and destruction of unfit portion. (F. D. C. Nos. 6756, 6949. Sample Nos. 23574-E, 23759-E.)**

On or about February 4, 1942, the United States attorney for the Western District of Missouri filed a libel against 254 cases of tomato paste at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about January 8, 1942, by the Safeway Stores, Inc., through Howard Terminal, from Oakland, Calif. On February 27, 1942, a libel was filed in the District of Colorado against 149 cases of tomato paste at Pueblo, Colo., which had been consigned by the Safeway Stores, Inc., through the Howard Terminal, from Oakland, Calif., alleging that it had been shipped in interstate commerce on or about February 4, 1942, from Oakland, Calif. The article was labeled in part: "Mantina Brand Tomato Paste \* \* \* Packed by Manteca Canning Co. Manteca, Calif."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed substance.

On March 23, 1942, no claimant having appeared for the lot seized at Kansas City, Mo., judgment of condemnation was entered and the product was ordered destroyed. On April 18, 1942, the Manteca Canning Co., Manteca, Calif., claimant for the lot seized at Denver, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for segregation and destruction of the unfit portion under the supervision of the Food and Drug Administration.

**3558. Adulteration of tomato paste. U. S. v. 74 Cases of Tomato Paste. Consent decree of condemnation. Product ordered released under bond to be reconditioned. (F. D. C. No. 6888. Sample No. 95081-E.)**

On February 19, 1942, the United States attorney for the Western District of Washington filed a libel against 74 cases, each containing 100 cans, of tomato



paste at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about February 5, 1942, by Schwabacher Bros. & Co., Inc., from Oakland, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Flotta Brand Extra Fancy Pure Tomato Paste Net Weight 6¼ Oz. Packed By Flotill Products Incorporated Stockton California."

On March 20, 1942, Flotill Products, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reconditioned under the supervision of the Food and Drug Administration. The unfit portion was segregated and destroyed.

**3559. Adulteration of tomato puree. U. S. v. Crampton Canneries, Inc. Plea of nolo contendere. Judgment of guilty; fine, \$100. (F. D. C. No. 6405. Sample Nos. 47482-E, 47483-E, 58209-E.)**

On February 28, 1942, the United States attorney for the Northern District of Ohio filed an information against Crampton Canneries, Inc., Celina, Ohio, alleging shipment on or about May 10, 16, and 20, 1941, from the State of Ohio into the States of Illinois and Minnesota of quantities of tomato puree which was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Ferndell [or "Richelieu"] Brand Puree of Tomatoes Purity Pioneers \* \* \* Distributed by Sprague Warner & Company, Chicago, Ill."; or "Crampton Canneries Tomato Puree."

On May 20, 1942, a plea of nolo contendere having been entered, the court found the defendant guilty and imposed a fine of \$100 and costs.

**3560. Adulteration of tomato puree. U. S. v. Ladoga Canning Co. Plea of guilty. Fine, \$300. (F. D. C. No. 5520. Sample Nos. 47249-E, 47250-E, 47414-E.)**

On April 10, 1942, the United States attorney for the Southern District of Indiana filed an information against Ladoga Canning Co., a corporation, Ladoga, Ind., alleging shipment on or about February 10 and 26 and March 3, 1941, from the State of Indiana into the State of Illinois of quantities of tomato puree which was adulterated in that it consisted in whole or in part of a decomposed substance. Portions of the article were labeled in part: "Barco Brand \* \* \* Tomato Puree."

On June 19, 1942, the defendant having entered a plea of guilty, the court imposed a fine of \$300.

**3561. Adulteration of tomato puree. U. S. v. 384 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. D. C. No. 7166. Sample No. 80399-E.)**

On April 7, 1942, the United States attorney for the Southern District of Ohio filed a libel against 384 cases, each containing 48 10½-ounce cans, of tomato puree at Cincinnati, Ohio, which had been consigned on or about February 4 and 5, 1942, alleging that the article had been shipped in interstate commerce by Fall Creek Canning Co. from Pendleton, Ind.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Honey Grove Tomato Puree \* \* \* White Villa Grocers, Inc. Distributors Cincinnati, Ohio Dayton, Ohio."

On May 19, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3562. Adulteration of tomato pulp. U. S. v. 1,000 Cases of Tomato Pulp. Consent decree of condemnation. Unfit portion of product ordered destroyed; remainder ordered delivered to a local charitable agency. (F. D. C. No. 7148. Sample No. 73050-E.)**

On April 4, 1942, the United States attorney for the District of Nebraska filed a libel against 1,000 cases each containing 6 No. 10 cans of tomato pulp at Nebraska City, Nebr., alleging that the article had been shipped in interstate commerce on or about January 6, 1942, by the Kaysville Canning Corporation from Barnes, Utah; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On June 3, 1942, no claim having been entered for the product and the court having found that a portion identified by certain codes was fit for human consumption, it was ordered that the good portion be segregated under the supervision of the Food and Drug Administration and delivered to a local charitable agency, and that the unfit portion be destroyed.



**3563. Adulteration of tomato puree. U. S. v. 88 Cases of Tomato Puree. Default decree of destruction.** (F. D. C. No. 7122. Sample No. 79651-E.)

On March 30, 1942, the United States attorney for the Western District of Kentucky filed a libel against 88 cases, each containing 48 10½-ounce cans, of tomato puree at Louisville, Ky., alleging that the article had been shipped in interstate commerce on or about January 16, 1942, by Kenneth N. Rider Co., Inc., from Trafalgar, Ind.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Red Gold Brand Indiana Tomato Puree."

On June 18, 1942, no claimant having appeared, judgment was entered ordering that the product be destroyed.

**3564. Adulteration of tomato puree. U. S. v. 150 Cases of Tomato Puree. Default decree of condemnation and destruction.** (F. D. C. No. 7117. Sample No. 85277-E.)

This product contained insect fragments as well as excessive mold.

On March 31, 1942, the United States attorney for the Eastern District of Washington filed a libel against 150 cases, each containing 6 No. 10 cans, of tomato puree at Spokane, Wash., alleging that the article had been shipped in interstate commerce on or about November 19, 1941, by the Royal Canning Co. from Ogden, Utah; and charging that it was adulterated in that it consisted in whole or in part of a filthy and decomposed substance. The article was labeled in part: (Cans) "Falls Brand \* \* \* Whole Tomato Puree Packed for Roundup Grocery Co. Spokane, Washington."

On May 28, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3565. Adulteration of tomato puree. U. S. v. 100 Cases of Tomato Puree. Consent decree of condemnation. Product ordered denatured and sold for animal food or destroyed.** (F. D. C. No. 6882. Sample No. 65997-E.)

On February 17, 1942, the United States attorney for the District of Colorado filed a libel against 100 cases each containing 6 No. 10 cans of tomato puree, at Denver, Colo., which had been consigned by the Royal Canning Corporation, alleging that the article had been shipped in interstate commerce on or about September 27, 1941, from Perry, Utah; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Gateway Brand \* \* \* Tomato Puree \* \* \* Perry Canning Co. Perry, Utah Packers and Distributors."

On February 26, 1942, Perry Canning Co. having signed an acceptance of service and authorization for taking of final decree, judgment of condemnation was entered and the product was ordered sold as animal food on condition that it be denatured by the purchaser, otherwise that it be destroyed.

**3566. Adulteration of tomato puree. U. S. v. 395 Cases of Tomato Puree. Default decree of destruction.** (F. D. C. No. 7107. Sample No. 79650-E.)

On March 27, 1942, the United States attorney for the Western District of Kentucky filed a libel against 395 cases, each containing 24 No. 2 cans, of tomato puree at Louisville, Ky., alleging that the article had been shipped in interstate commerce on or about March 10, 1942, by St. Marys Packing Co. from Delphos, Ohio; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Puree of Dinner Club Indiana Hand Packed Tomatoes Packed Fresh From The Field By Noblesville Canning Company, Inc. Noblesville, Ind."

On June 18, 1942, no claimant having appeared, judgment was entered ordering that the product be destroyed.

**3567. Adulteration of tomato puree. U. S. v. 72 Cases of Tomato Puree. Default decree of condemnation and destruction.** (F. D. C. No. 6738. Sample No. 59091-E.)

On January 19, 1942, the United States attorney for the District of Columbia filed a libel against 72 cases of tomato puree at Washington, D. C., alleging that the article had been shipped in interstate commerce on or about December 15, 1941, by A. W. Sisk & Son from Salem, N. J.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. It was labeled in part: "O. K. Brand Tomato Puree \* \* \* Packed By Fogg & Hires Co. Salem, N. J."

On February 12, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.



**3568. Adulteration of tomato puree. U. S. v. 1,496 Cans of Tomato Puree. Consent decree of condemnation and destruction with provision for release under bond for segregation of fit from unfit. Product ultimately destroyed. (F. D. C. No. 5804. Sample No. 48902-E.)**

Examination of this product showed that it contained viable micro-organisms and that a substantial percentage of the cans were swelled, which is an indication of spoilage.

On or about September 25, 1941, the United States attorney for the Southern District of Georgia filed a libel against 1,496 unlabeled 5-gallon cans of tomato puree at Augusta, Ga., alleging that the article had been shipped in interstate commerce on or about August 26, 1941, by Albert W. Sisk & Son from Quinton, N. J.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On October 25, 1941, the Salem County Cannery, Inc., claimant, having admitted that a portion of the article was adulterated as alleged, judgment of condemnation was entered and it was ordered that the product be destroyed, the decree providing, however, that the claimant might take the product down under bond conditioned that the fit and unfit be separated and the unfit destroyed. On April 22, 1942, on representation by the United States attorney that no action had been taken by the claimant, the court ordered that the claimant appear on May 2, 1942, and show cause why its claim should not be dismissed for lack of prosecution. On May 2, 1942, the claimant having presented no reason why its claim should not be dismissed, judgment of destruction was entered.

**3569. Adulteration of spaghetti sauce. U. S. v. 13½ Cases and 12 Cases of Spaghetti Sauce. Default decrees of condemnation and destruction. (F. D. C. Nos. 7128, 7353. Sample Nos. 64937-E, 64947-E.)**

On March 31 and April 15, 1942, the United States attorney for the Western District of Pennsylvania filed libels against 25½ cases, each full case containing 24 cans, of spaghetti sauce at Erie, Pa., alleging that the article had been shipped in interstate commerce on or about March 5, 1942, by Ragu Packing Co. from Rochester, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Ragu' Brand Contents 10½ Ozs. \* \* \* Italian Style Spaghetti—Sauce."

On May 13 and 19, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**3570. Adulteration of canned tomato soup. U. S. v. 119 Cases of Tomato Soup. Default decree of condemnation and destruction. (F. D. C. No. 7097. Sample No. 85459-E.)**

This product contained worm and insect fragments.

On March 31, 1942, the United States attorney for the District of Oregon filed a libel against 119 cases, each containing 24 cans, of tomato soup at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about February 3, 1942, by the Surety Sales Co. from Los Angeles, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Cans) "Calbart Brand Tomato Soups \* \* \* 1 Lb. 12 Oz. Packed By California Federation of Cooperatives \* \* \* Bell Co-operative Cannery, Bell, California."

On June 9, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

#### OTHER FRUIT AND VEGETABLE PRODUCTS

**3571. Adulteration of apple butter. U. S. v. 77 Cases of Apple Butter. Default decree of condemnation and destruction. (F. D. C. No. 6125. Sample No. 67673-E.)**

This product contained rodent hairs and insect fragments.

On or about November 21, 1941, the United States attorney for the Eastern District of Illinois filed a libel against 77 cases of apple butter at Murphysboro, Ill., alleging that the article had been transported in interstate commerce on or about May 7 and September 10, 1941, by the Daniel Grocer Co. from the Salomo Food Products Co. of St. Louis, Mo., to the place of business of the Daniel Grocer Co., Murphysboro, Ill.; and charging that it was adulterated in that it contained rodent hairs and insect fragments; and in that it had been prepared under insanitary conditions whereby it might have become contaminated. The article was labeled in part: (Jars) "Trust Me Brand Pure Apple Butter."



On January 3, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3572. Adulteration and misbranding of preserves. U. S. v. 118 Cases of Preserves. Consent decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 5601. Sample Nos. 53234-E to 53238-E, incl.)**

Analysis showed that most of these preserves were deficient in fruit and soluble solids, the remainder deficient in fruit alone.

On September 3, 1941, the United States attorney for the District of Arizona filed a libel against 118 cases of preserves at Phoenix, Ariz., alleging that the articles had been shipped in interstate commerce within the period from on or about March 19, 1941, to June 20, 1941, by Kopper Kettle Preserving Co. and General Grocery Co. from Los Angeles, Calif.; and charging that they were adulterated and misbranded. They were labeled in part: "Kopper Kettle Brand Pure Strawberry [or other fruit] Preserves."

The articles were alleged to be adulterated in that imitation strawberry, blackberry, cherry, and red raspberry preserves, deficient in fruit and soluble solids, and imitation apricot and peach preserves deficient in fruit, had been substituted wholly or in part for strawberry, blackberry, cherry, red raspberry, apricot, and peach preserves.

The articles were alleged to be misbranded (1) in that the names "Pure Strawberry Preserves," "Pure Apricot Preserves," "Pure Blackberry Preserves," "Pure Cherry Preserves," "Pure Peach Preserves," and "Pure Red Raspberry Preserves," were false and misleading; (2) in that they were imitations of other foods and their labels failed to bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated; and (3) in that they purported to be foods for which definitions and standards of identity had been prescribed by regulations as provided by law and they failed to conform to such definition and standard.

On January 27, 1942, certain preserves which had been seized but were not covered by the libel were ordered delivered to the claimant, the Kopper Kettle Preserving Co., and on May 22, 1942, judgment was entered condemning the remainder and ordering the preserves delivered to a charitable institution.

**3573. Adulteration of pepper sauce. U. S. v. 25 Cases and 4 Cases of Pepper Sauce. Default decree of condemnation and destruction. (F. D. C. No. 7356. Sample No. 35130-E.)**

This product contained insect fragments and nondescript dirt.

On April 18, 1942, the United States attorney for the Southern District of Mississippi filed a libel against 25 cases each containing 36 3-ounce bottles and 4 cases each containing 24 6-ounce bottles of pepper sauce at Gulfport, Miss., alleging that the article had been shipped in interstate commerce on or about January 13, 1942, by Fortier & Brown from New Orleans, La.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: (Bottles) "Bruce's Louisiana Hot Pepper Sauce \* \* \* Bruce's Food Products Co., New Iberia, La."

On June 2, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3574. Adulteration and misbranding of pickles and adulteration of pickle relish. U. S. v. 25 Cases of Pickles and 35 Cases of Pickle Relish. Default decrees of condemnation and destruction. (F. D. C. Nos. 7024, 7025. Sample Nos. 86533-E, 86539-E.)**

Examination showed that these products contained insect fragments and hairs resembling rodent hairs; the pickle relish contained sand, and the pickles were dirty and discolored from soil or sand rubbed into the skin. The pickles contained little, if any, wine; and the statement of the quantity of contents did not express the number of the largest unit contained in the package, namely, 1 quart.

On March 13, 1942, the United States attorney for the Eastern District of Wisconsin filed libels against 25 cases each containing 12 32-ounce jars of pickles and 35 cases each containing 12 8-fluid-ounce tumblers of pickle relish at Milwaukee, Wis., alleging that the articles had been shipped in interstate commerce on or about February 13 and 17, 1942, by Manhattan Pickle Co. from Chicago, Ill.; and charging that they were adulterated and that the pickles were also



misbranded. The articles were labeled in part: (Pickles, jars) "Wine Cured Pickles \* \* \* [design of bunch of grapes and a pickle]"; (pickle relish, tumblers) "Century Brand Garden Relish \* \* \* Distributed by Century Food Sales Milwaukee, Wis."

The articles were alleged to be adulterated in that they consisted in whole or in part of filthy substances. The pickle relish was alleged to be adulterated further in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

The pickles were alleged to be misbranded in that the statement "Wine Cured" and the design of a bunch of grapes were false and misleading as applied to an article containing little, if any, wine; and in that it was in package form and did not bear a statement of the quantity of contents expressed in terms of the largest unit in the package.

On April 28, 1942, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

**3575. Adulteration of sweet relish. U. S. v. 20 Cases of Sweet Relish. Default decree of condemnation and destruction. (F. D. C. No. 6989. Sample No. 70319-E.)**

Examination showed that this product contained insect fragments.

On March 6, 1942, the United States attorney for the Southern District of Florida filed a libel against 20 cases, each containing 24 8-fluid-ounce jars of sweet relish at Tampa, Fla., alleging that the article had been shipped in interstate commerce on or about December 30, 1941, and January 28, 1942, by Roddenbery Bros. from Cairo, Ga.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: (Jars) "Dewkist Brand Sweet Relish."

On March 28, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3576. Adulteration of pepper hulls in brine. U. S. v. 40 Barrels of Pepper Hulls in Brine. Consent decree of condemnation. Product ordered released under bond to be reconditioned and repacked. (F. D. C. No. 6304. Sample No. 84514-E.)**

Examination showed that this product contained flies, rodent hairs, and insect fragments.

On November 27, 1941, the United States attorney for the Eastern District of New York filed a libel (amended December 15, 1941) against 40 barrels of pepper hulls in brine at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about October 21, 1941, by Covell & Ford from Marydel, Del.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On March 12, 1942, H. M. Field, Inc., Brooklyn, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reconditioned by soaking, washing, and draining, and repacked under the supervision of the Food and Drug Administration.

**DRIED FRUITS AND VEGETABLES**

**3577. Adulteration of evaporated apples. U. S. v. 360 Boxes of Evaporated Apples. Consent decree of condemnation. Product ordered released under bond to be reconditioned. (F. D. C. No. 7055. Sample Nos. 85630-E, 85644-E.)**

This product contained filth resulting from insect infestation.

On March 18, 1942, the United States attorney for the Western District of Washington filed a libel against 360 25-pound boxes of evaporated apples at Tacoma, Wash., alleging that the article had been shipped in interstate commerce on or about January 3, 1942, by Rosenberg Bros. & Co. from San Francisco, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Stadium Brand California Evaporated Quartered Apples."

On April 21, 1942, Rosenberg Bros. & Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be reconditioned under the supervision of the Food and Drug Administration. After reconditioning, the good portion was segregated from the bad and the latter was destroyed.



**3578. Adulteration of evaporated apples. U. S. v. 50 Cartons of Evaporated Apples. Default decree of condemnation and destruction. (F. D. C. No. 6898. Sample No. 90370-E.)**

Examination showed that this product was insect-infested, dirty, and decomposed.

On February 25, 1942, the United States attorney for the District of Rhode Island filed a libel against 50 cartons of evaporated apples at Providence, R. I., alleging that the article had been shipped in interstate commerce on or about January 30, 1942, by M. O. Engleson & Co. from Williamson, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a filthy and decomposed substance. It was labeled in part: "50 Lbs. Net Standard Engleson Evaporated Apples Sulphur Dioxide Added."

On May 15, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3579. Adulteration of dried apricots and dried peaches. U. S. v. Elena Puccinelli, Alber Puccinelli, and Romolo Puccinelli (Puccinelli Packing Co.). Pleas of guilty. Defendant Romolo Puccinelli fined \$300; each of the other defendants fined \$20. (F. D. C. No. 6457. Sample Nos. 22928-E, 22639-E.)**

Samples of this product were found to be insect-infested and to contain rodent filth and hair.

On May 2, 1942, the United States attorney for the Northern District of California filed an information against Elena Puccinelli, Alber Puccinelli, and Romolo Puccinelli, copartners trading as Puccinelli Packing Co., Turlock, Calif., alleging shipment on or about June 7 and August 7, 1941, from the State of California into the States of Louisiana and Pennsylvania, of quantities of dried apricots and dried peaches which were adulterated in that they consisted in whole or in part of a filthy substance. They were labeled in part: "Dubon Brand Fancy Recleaned Peaches"; or "Alma Brand Northern Tilton Slabs Apricots."

On May 19, 1942, the defendants having entered pleas of guilty, Romolo Puccinelli was fined \$300 and the other two defendants were fined \$20 each.

**3580. Adulteration of dried peaches. U. S. v. 1,920 Cases of Dried Peaches. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 7143. Sample Nos. 61253-E, 85199-E.)**

Examination showed that this product was insect-infested and decomposed.

On April 2, 1942, the United States attorney for the Northern District of California filed a libel against 1,920 25-pound cases of dried peaches at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about March 28, 1942, by Rosenberg Bros. & Co. from Seattle, Wash.; and charging that it was adulterated in that it consisted in whole or in part of a filthy and decomposed substance. The article was labeled in part: "Magnolia Brand California Dried \* \* \* Recleaned Muir Peaches."

On April 8, 1942, Rosenberg Bros. & Co. having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be made to conform to the law under the supervision of the Food and Drug Administration.

**3581. Adulteration of evaporated peaches. U. S. v. 120 Boxes of Peaches. Default decree of condemnation and destruction. (F. D. C. No. 6776. Sample No. 71673-E.)**

This product was dirty and insect-infested.

On January 29, 1942, the United States attorney for the Eastern District of Arkansas filed a libel against 120 25-pound boxes of peaches at Wilson, Ark., alleging that the article had been shipped in interstate commerce on or about November 14, 1941, by Wilson Wholesale Grocery Co. from Memphis, Tenn.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, and decomposed substance and was otherwise unfit for food. The article was labeled in part: "Sail-Maker Brand Recleaned California Peaches Packed By Vagin Packing Co. Fresno Cal."

On May 27, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3582. Adulteration of dried pears. U. S. v. Guggenhime & Co. Plea of guilty. Fine, \$100. (F. D. C. No. 6467. Sample No. 22193-E.)**

This product contained filth resulting from insect infestation.

On April 29, 1942, the United States attorney for the Northern District of California filed an information against Guggenhime & Co., a corporation trading



at San Francisco, Calif., alleging shipment on or about July 15, 1941, from the State of California into the State of Virginia, of a quantity of dried pears which were adulterated in that they consisted in whole or in part of a filthy substance. The article was labeled in part: "Daphne Brand Dried California Choice Halved Pears."

On May 16, 1942, the defendant having entered a plea of guilty, the court imposed a fine of \$100.

Nos. 3583 to 3586 report the seizure and disposition of prunes that were in whole or in part decomposed.

**3583. Adulteration of prunes. U. S. v. 70 Boxes of Prunes. Default decree of forfeiture and destruction.** (F. D. C. No. 7416. Sample No. 93224-E.)

On May 4, 1942, the United States attorney for the District of Idaho filed a libel against 70 25-pound boxes of prunes at Boise, Idaho, alleging that the article had been shipped in interstate commerce on or about February 18, 1942, by A. Johnson from Portland, Oreg.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Boxes) "Oregon Dried Italian Prunes \* \* \* J. R. Packing Co. Dundee, Ore."

On June 27, 1942, no claimant having appeared, judgment of forfeiture was entered and the product was ordered destroyed.

**3584. Adulteration of prunes. U. S. v. 98 Boxes, 124 Boxes, and 100 Boxes of Prunes. Default decrees of destruction.** (F. D. C. Nos. 7083, 7792. Sample Nos. 1005-E, 1007-E, 70331-E, 70335-E.)

On or about March 25 and June 22, 1942, the United States attorneys for the Southern District of Florida and the District of Maryland filed libels against 98 25-pound boxes of prunes at Miami, Fla., and 224 25-pound boxes of prunes at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about November 11, 1941, and January 22, 1942, by California Prune & Apricot Growers Association from San Jose, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "California Fruits Golden Glow Brand Prunes."

On June 15 and July 30, 1942, no claimant having appeared, judgments were entered ordering that the product be destroyed.

**3585. Adulteration of prunes. U. S. v. 50 Boxes of Prunes. Default decree of forfeiture and destruction.** (F. D. C. No. 7350. Sample No. 93213-E.)

On April 18, 1942, the United States attorney for the District of Idaho filed a libel against 50 25-pound boxes of prunes at Lewiston, Idaho, alleging that the article had been shipped in interstate commerce on or about March 12, 1942, by Mason Ehrman & Co. from Portland, Oreg.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Boxes) "Oregon Dried Italian Prunes, \* \* \* West Hill Orchards, Newberg, Oregon."

On May 11, 1942, no claimant having appeared, judgment of forfeiture was entered and the product was ordered destroyed.

**3586. Adulteration of prunes. U. S. v. 89 Boxes of Prunes. Default decree of condemnation and destruction.** (F. D. C. No. 7360. Sample No. 83947-E.)

This product was insect-infested and moldy.

On April 16, 1942, the United States attorney for the Eastern District of Louisiana filed a libel against 89 25-pound boxes of prunes at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about August 12, 1937, by Warren Dried Fruit Co. from San Jose, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy and decomposed substance. The article was labeled in part: (Boxes) "Thistle Brand Santa Clara Prunes."

On May 21, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3587. Adulteration of dried kidney beans. U. S. v. 50 Bags and 147 Bags of Red Kidney Beans. Consent decree of condemnation. Product ordered released under bond to be denatured.** (F. D. C. No. 6749. Sample Nos. 83180-E, 83415-E.)

Examination showed that this product was moldy and insect-infested.

On January 23, 1942, the United States attorney for the Middle District of Alabama filed a libel against 197 100-pound bags of red kidney beans at Montgomery, Ala., alleging that the article had been shipped in interstate commerce



on or about April 5, June 26 and 28, and August 1, 1941, by Geo. W. Haxton & Son, Inc., from Oakfield, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a filthy and decomposed substance. The article was labeled in part: "C. H. P. Haxton Quality Red Kidney Beans."

On February 19, 1942, Schloss & Kahn Grocery Co., Inc., Montgomery, Ala., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be denatured under the supervision of the Food and Drug Administration.

**3588. Adulteration of beans. U. S. v. 228 Bags of Beans. Consent decree ordering product released under bond for segregation and destruction of unfit portion.** (F. D. C. No. 4731. Sample No. 43419-E.)

This product had been stored under insanitary conditions after shipment; and when examined it contained rodent excreta, and some of the sacks were torn and gnawed by rats and contained an accumulation of rat pellets and bird droppings.

On or about May 17, 1941, the United States attorney for the Western District of Missouri filed a libel against 228 100-pound bags of beans at Kansas City, Mo., alleging that the article had been shipped on or about November 18, 1940, from Morrill, Nebr., that it was in possession of the consignee, John J. Meier & Co., Kansas City, Mo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been held under insanitary conditions whereby it might have become contaminated with filth. The libel alleged further that the adulteration occurred at destination in the warehouse of the consignee.

On June 18, 1941, John J. Meier & Co., Kansas City, Mo., claimant, having admitted the allegations of the libel, judgment was entered ordering that the product be released under bond for segregation of the unfit portion under the supervision of the Food and Drug Administration, and that it be destroyed by the United States marshal.

## POULTRY

**3589. Adulteration of poultry. U. S. v. 1 Barrel of Turkeys. Default decree of condemnation and destruction.** (F. D. C. No. 7632. Sample No. 77139-E.)

On June 9, 1942, the United States attorney for the Eastern District of Pennsylvania filed a libel against 1 barrel of turkeys at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about May 28, 1942, by Falls City Creamery Co., from Falls City, Nebr.; and charging that it was adulterated (1) in that it consisted in whole or in part of a decomposed substance; and (2) in that it was in whole or in part the product of diseased animals.

On June 29, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3590. Adulteration of turkeys. U. S. v. 18 Boxes and 68 Boxes of Turkeys and 234 Turkeys. Consent decrees of condemnation. Product ordered released under bond to be washed.** (F. D. C. Nos. 7066, 7124. Sample Nos. 80390-E, 80391-E, 80505-E.)

Examination showed the presence of manure on the feet and flesh of these birds.

On March 23 and 31, 1942, the United States attorneys for the Southern District of Indiana and the Southern District of Ohio filed libels against 86 boxes each containing 6 turkeys at Indianapolis, Ind., and 234 turkeys at Cincinnati, Ohio, alleging that the article had been shipped in interstate commerce on or about November 9 and 10, 1941, by Herndon Produce Co., from Dallas, Tex.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Sunland Young Tom [or "Hen"] Turkeys."

On April 27 and 28, 1942, Herndon Produce Co., claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond to be washed under the supervision of the Food and Drug Administration so as to remove all excreta and other filth.

**3591. Adulteration of poultry. U. S. v. 3 Barrels, 2 Barrels, and 8 Barrels of Poultry. Default decrees of condemnation and destruction.** (F. D. C. Nos. 7343, 7442. Sample Nos. 84379-E, 89733-E, 89734-E.)

On April 16 and May 4, 1942, the United States attorney for the Eastern District of Virginia and the District of New Jersey filed libels against 5 barrels of poultry at Norfolk, Va., and 8 barrels of poultry at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about April 8 and 21, 1942,



by Swift & Co. from Salisbury, Md.; and charging that it was adulterated in that it was in whole or in part the product of diseased animals.

On May 28 and June 19, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

### NUTS AND NUT PRODUCTS

Nos. 3592 to 3599 report actions based on interstate shipments of pecans that were contaminated with fecal *Escherichia coli*.

**3592. Adulteration of shelled pecans. U. S. v. Frank Springer. Plea of guilty. Fine, \$150.** (F. D. C. No. 5542. Sample Nos. 16592-E, 32486-E to 32488-E, incl.)

On May 5, 1942, the United States attorney for the Western District of Texas filed an information against Frank Springer at San Antonio, Tex., alleging shipment within the period from on or about November 20 to on or about December 3, 1940, from the State of Texas into the States of California and Nebraska of quantities of shelled pecans that were adulterated in that they consisted in whole or in part of a filthy substance; and in that they had been prepared, packed, or held under insanitary conditions whereby they might have become contaminated with filth.

On July 1, 1942, a plea of guilty having been entered by the defendant, the court imposed a fine of \$150.

**3593. Adulteration of pecan pieces. U. S. v. 6 Cases of Pecan Meats. Default decree of condemnation and destruction.** (F. D. C. No. 7336. Sample No. 70353-E.)

On April 14, 1942, the United States attorney for the Middle District of Georgia filed a libel against 6 cases of pecan meats at Valdosta, Ga., alleging that the article had been shipped in interstate commerce on or about March 12 and 17, 1942, by the Dasher Pecan Co. from Valdosta, Ga., to Miami, Fla., and that it had been returned by the consignee; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Amber Pieces 60 Lbs."

On May 7, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3594. Adulteration of pecan pieces. U. S. v. 20 Cases of Pecan Pieces. Default decree of condemnation and destruction.** (F. D. C. No. 7145. Sample No. 71930-E.)

On April 2, 1942, the United States attorney for the Eastern District of Missouri filed a libel against 20 cases each containing 30 pounds of pecan pieces at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about February 25 and March 11, 1942, by Ellis Pecan Co. from Fort Worth, Tex., and charging that it was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On May 6, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3595. Adulteration of pecan meats. U. S. v. 17 Cartons and 1 Carton of Pecan Meats. Default decree of condemnation and destruction.** (F. D. C. No. 7032. Sample No. 86625-E, 86626-E.)

The 1-carton lot of this product was moldy, and the remaining 17 cartons contained *E. coli*.

On March 21, 1942, the United States attorney for the Northern District of Illinois filed a libel against 17 25-pound cartons and 1 50-pound carton of pecan meats at Chicago, Ill., alleging that the article had been shipped in interstate commerce within the period from on or about December 8, 1941, to on or about February 19, 1942, by Finklea Pecan Co. from Mobile, Ala.; and charging that it was adulterated. It was labeled in part: "Pecan meats small seedling pieces [or "Regular Seedling Halves"] \* \* \* Packed for J. W. Allen and Co. \* \* \* Chicago, Ill."

The 1-carton lot was alleged to be adulterated in that it consisted in whole or in part of a decomposed substance. The 17-carton lot was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On May 28, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.



**3596. Adulteration of pecan meats. U. S. v. 10 Cartons of Pecan Meats. Default decree of condemnation and destruction. (F. D. C. No. 6782. Sample No. 89032-E.)**

On January 29, 1942, the United States attorney for the District of New Jersey filed a libel against 10 cartons of pecan meats at Hoboken, N. J., alleging that the article had been shipped in interstate commerce on or about January 6, 1942, by D. E. Jones from Arlington, Ga.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "30 Lbs. \* \* \* 'Nature's Own' Pecan Halves."

On May 9, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3597. Adulteration of shelled pecans. U. S. v. 5 Cases of Shelled Pecans. Default decree of condemnation and destruction. (F. D. C. No. 7418. Sample No. 71613-E.)**

On April 29, 1942, the United States attorney for the Eastern District of Missouri filed a libel against 5 cases each containing 60 pounds of pecans at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about March 24, 1942, by Memphis Pecan & Walnut Co. from Memphis, Tenn.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On May 29, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3598. Adulteration of pecans. U. S. v. 58 Cartons and 33 Cartons of Pecan Pieces. Default decree of condemnation and destruction. (F. D. C. No. 7071. Sample Nos. 70328-E, 70329-E.)**

On or about March 25, 1942, the United States attorney for the Southern District of Florida filed a libel against 91 20- or 30-pound cartons of pecan pieces at Miami, Fla., alleging that the article had been shipped in interstate commerce on or about February 16 and 26, 1942, by Sam A. Pierce from Cairo, Ga.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: (58 cartons) "A Grade Pieces," and (33 cartons) "B Grade Pieces."

On April 29, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3599. Adulteration of pecans. U. S. v. 196 Cartons and 149 Cartons of Pecans. Decrees of condemnation. Portion of product ordered released under bond for reconditioning by pasteurization; remainder ordered destroyed. (F. D. C. Nos. 3813, 3814. Sample Nos. 47202-E, 47203-E.)**

On February 18, 1942, the United States attorney for the Northern District of Illinois filed a libel against 196 50-pound cartons and 149 60-pound cartons of pecans at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about December 31, 1940, and January 9, 1941, by Chas. C. Robertson from Fort Worth, Tex.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On April 10, 1942, John Fisher Pecan Co., Dallas, Tex., claimant for the 149 cartons of pecans, having admitted the allegations of the libel with respect to that portion, judgment of condemnation was entered and the product was ordered released under bond for reconditioning by pasteurization and washing under the supervision of the Food and Drug Administration. On May 28, 1942, no claimant having appeared for the remainder of the pecans, judgment of condemnation was entered and the product was ordered destroyed.

**3600. Adulteration of shelled peanuts. U. S. v. 264 Bags of Peanuts. Consent decree of condemnation. Product ordered released under bond to be reconditioned. (F. D. C. No. 7491. Sample No. 92296-E.)**

Examination of this product showed the presence of moldy, dirty, and wormy peanuts.

On May 11, 1942, the United States attorney for the Southern District of California filed a libel against 264 unlabeled 120-pound bags of shelled peanuts at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about April 7, 1942, by Greenwood Products Co. from Marianna, Fla.; and charging that it was adulterated in that it consisted in whole or in part of a filthy and decomposed substance.



On May 18, 1942, Greenwood Products Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reconditioned and segregated under the supervision of the Food and Drug Administration. The rejected material was delivered to a processing company for conversion into inedible oils.

**3601. Adulteration of piñon nuts. U. S. v. 266 Bags of Piñon Nuts. Consent decree of condemnation. Product ordered released under bond to be reconditioned. (F. D. C. No. 7070. Sample Nos. 92242-E, 92258-E.)**

Examination of this product showed the presence of moldy nuts.

On March 19, 1942, the United States attorney for the Southern District of California filed a libel against 266 bags, each containing approximately 90 pounds, of piñon nuts at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about February 5, 1942, by Gross, Kelly & Co. from Winslow, Ariz.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On April 3, 1942, Gonzales & Blanco, Los Angeles, Calif., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reconditioned under the supervision of the Food and Drug Administration. The good nuts were segregated from the bad, and the latter were disposed of for nonfood purposes.

**3602. Adulteration of pistachio nuts. U. S. v. 8 Tins and 12 Tins of Pistachio Nuts. Default decree of condemnation and destruction. (F. D. C. No. 7060. Sample No. 70333-E.)**

Examination of samples of this product showed the presence of wormy and moldy nuts.

On or about March 25, 1942, the United States attorney for the Southern District of Florida filed a libel against 8 plain 5-pound tins and 12 gift-style 2½-pound tins of unshelled pistachio nuts at Miami Beach, Fla., alleging that the article had been shipped in interstate commerce on or about December 19, 1941, by the American Pistachio Corporation from New York, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a filthy and decomposed substance.

On June 15, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3603. Adulteration of walnuts. U. S. v. 15 Cases of Walnuts. Default decree of condemnation and destruction. (F. D. C. No. 6976. Sample No. 76768-E.)**

This product was insect-infested.

On March 3, 1942, the United States attorney for the District of North Dakota filed a libel against 15 25-pound cases of walnuts at Fargo, N. Dak., alleging that the article had been shipped in interstate commerce on or about November 19 and December 9, 1941, by Granton & Co. from Los Angeles, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On May 11, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3604. Adulteration of walnuts. U. S. v. 462 Cases of Shelled Walnuts. Consent decree of condemnation. Product ordered released under bond to be reprocessed and reconditioned. (F. D. C. No. 7157. Sample Nos. 86637-E, 86654-E.)**

Examination of this product showed the presence of insect-damaged, rancid, and moldy walnut meats.

On April 6, 1942, the United States attorney for the Eastern District of Wisconsin filed a libel against 462 cases, each containing 25 pounds, of walnuts at Milwaukee, Wis., alleging that the article had been shipped in interstate commerce on or about January 8, 1942, by Pacific Coast Nut House from San Jose, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy and decomposed substance. The article was labeled in part: "Special Amber California Shelled Walnuts."

On April 17, 1942, Pacific Coast Nut House, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reprocessed and reconditioned under the supervision of the Food and Drug Administration.



**3605. Adulteration of black walnut meats. U. S. v. 5 Cartons of Black Walnut Meats. Default decree of condemnation and destruction.** (F. D. C. No. 7028. Sample No. 71180-E.)

Examination showed that this product contained rodent hairs, insect fragments, and *Escherichia coli*.

On or about March 13, 1942, the United States attorney for the Eastern District of Illinois filed a libel against 5 cartons of black walnut meats at Champaign, Ill., alleging that the article had been shipped in interstate commerce on or about January 7, 1942, by Mound City Shelled Nut Co. from St. Louis, Mo.; and charging that it was adulterated in that it was contaminated with filth, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On May 2, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3606. Adulteration of black walnut meats. U. S. v. 50 Cartons of Black Walnut Meats. Consent decree of condemnation. Product ordered released under bond for reconditioning.** (F. D. C. No. 7027. Sample No. 73515-E.)

Examination showed that this product contained rodent hairs and insect fragments as well as *Escherichia coli*.

On March 18, 1942, the United States attorney for the District of Nebraska filed a libel against 50 cartons of black walnut meats at Omaha, Nebr., alleging that the article had been shipped in interstate commerce on or about January 21 and 26, 1942, by Wyatt Nut Co. from Wheaton, Mo.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: "Ozark Pride Walnut and Pecan Meats."

On May 6, 1942, the Fairmont Creamery Co., Omaha, Nebr., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be cleaned, sterilized, or processed under the supervision of the Food and Drug Administration in order to eliminate all filth.

**3607. Adulteration of nut meats. U. S. v. 3 Bags of Walnuts and Hickory Nuts. Default decree of condemnation and destruction.** (F. D. C. No. 7037. Sample No. 86630-E.)

Examination showed that this product contained rodent hairs and *E. coli*.

On March 21, 1942, the United States attorney for the Northern District of Illinois filed a libel against 3 bags of walnut and hickory nut meats at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about February 26, 1942, by Albert Richardson from Berea, Ky.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On May 28, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3608. Adulteration of peanut butter. U. S. v. 55 Cases and 4 Cans of Peanut Butter. Default decree of condemnation and destruction.** (F. D. C. No. 7362. Sample No. 76827-E.)

This product contained insect and wood fragments.

On April 17, 1942, the United States attorney for the Western District of Wisconsin filed a libel against 15 cases each containing 24 6-ounce jars, 15 cases each containing 24 pound jars, 4 cases each containing 12 1½-pound jars, 21 cases each containing 12 2-pound jars, and 4 50-pound cans of peanut butter at La Crosse, Wis., alleging that the article had been shipped in interstate commerce on or about March 10, 1942, by Millard-United Co. from Chicago, Ill.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Brownie Brand Energized Peanut Butter."

On June 29, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3609. Adulteration of peanut butter. U. S. v. 34 Cases of Peanut Butter. Default decree of condemnation and destruction.** (F. D. C. No. 6942. Sample No. 83733-E.)

This product contained rodent hairs and excreta, insect fragments, and dirt.

On February 26, 1942, the United States attorney for the Eastern District of Texas filed a libel against 34 cases each containing 12 2-pound jars of peanut butter at Mineola, Tex., alleging that the article had been shipped in interstate commerce on or about January 5, 1942, by the Robertson Peanut Co. from Clay-



ton, Ala.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Delicious Brand Peanut Butter."

On June 22, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3610. Adulteration of peanut butter. U. S. v. 39 Cases, 39 Cases, 24 Cases, and 18 Cases of Peanut Butter. Default decrees of condemnation and destruction.** (F. D. C. Nos. 7086, 7134. Sample Nos. 83380-E, 83885-E to 83887-E, incl.)

Insect fragments, rodent hairs, rodent excreta, and dirt were found in samples taken from these lots of peanut butter.

On March 25 and April 6, 1942, the United States attorney for the Eastern District of Louisiana filed libels against 39 cases each containing 24 12-ounce jars, 39 cases each containing 24 12-ounce jars, 24 cases each containing 12 1½-pound jars, and 18 cases of which 10 each contained 24 8-ounce jars, and 8 each contained 24 1-pound jars, of peanut butter at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about February 9, 11, and 19, 1942, by Sessions Co., Inc., from Enterprise, Ala.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Goldcraft Peanut Butter."

On May 21 and July 3, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

### OILS AND FATS

**3611. Adulteration and misbranding of oil. U. S. v. John Lucci (Roma Oil Packing Co.). Plea of guilty. Fine of \$100 on count 1. Sentence suspended on remaining counts.** (F. D. C. No. 3564. Sample Nos. 33950-E, 33951-E, 33952-E.)

Analysis showed that this product was cottonseed oil, artificially colored and flavored to simulate olive oil.

On February 13, 1942, the United States attorney for the Eastern District of New York filed an information against John Lucci, trading as the Roma Oil Packing Co., Brooklyn, N. Y., alleging shipment on or about January 31, 1941, from the State of New York into the State of New Jersey of quantities of oil that was adulterated and misbranded. The article was labeled in part: "Prodotto Garantito Extra Fine Oil Sopraffino Brand."

The article was alleged to be adulterated in that artificial flavoring and artificial coloring had been added thereto or mixed or packed therewith, so as to make it appear better or of greater value than it was; and in that it contained a coal-tar color other than one from a batch that had been certified by law.

The article was alleged to be misbranded: (1) In that the statements in the labeling, "L'Olio \* \* \* Extra Fina Insuperabile," "Prodotto Garantito," "Fine Oil," and "Sopraffino," were false and misleading since they conveyed the impression that the food was imported Italian olive oil; whereas the food was not imported Italian olive oil but was domestic cottonseed oil artificially colored and flavored to simulate olive oil. (2) In that it was an imitation of another food, namely, olive oil, and its label did not bear in type of uniform size and prominence the word "imitation," and immediately thereafter, the name of the food imitated. (3) In that it did not bear a label containing the name and place of business of the manufacturer, packer, or distributor. (4) In that it was fabricated from two or more ingredients and its label did not bear the common or usual name of each such ingredient. (5) In that it contained artificial flavoring and artificial coloring and did not bear labeling stating that fact. (6) In that the information required by or under authority of law to appear on the label or labeling was not prominently placed thereon in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use in that the label bore statements in a foreign language, namely, Italian, and the information required by law to appear on the label did not appear thereon in said foreign language.

On June 9, 1942, a plea of guilty having been entered by the defendant to counts 1, 2, and 3, the court imposed a fine of \$100 on count 1, suspended sentence on the remaining 2 counts, and placed defendant on probation for 1 year.



**3612. Adulteration and misbranding of olive oil. U. S. v. 5 Cases and 8 Cases of Olive Oil (and 3 other seizure actions against olive oil). Decrees of condemnation. Portion of product ordered released under bond to be relabeled; remainder ordered destroyed.** (F. D. C. Nos. 7146, 7372, 7437, 7607. Sample Nos. 1032-E, 1033-E, 64837-E, 64856-E, 64789-E.)

Analysis indicated that this product consisted wholly or in part of an oil other than olive oil.

Between April 3 and June 3, 1942, the United States attorneys for the District of Maryland, Northern District of Ohio, and the Western District of Pennsylvania filed libels against the following quantities of olive oil: 13 cases, each containing 6 cans, at Baltimore, Md.; 24 cans at Youngstown, Ohio; and 20 cans at Mahoningtown and 8 cans at Erie, Pa., alleging that the article had been shipped in interstate commerce within the period from on or about January 26 to on or about March 2, 1942, by C. P. C. Trading Co. from Rochester, N. Y.; and charging that it adulterated and misbranded. It was labeled in part: (Cans) "One Gallon Net La Boheme Brand Pure Olive Oil."

The article was alleged to be adulterated (portion found at Youngstown) in that a substance containing an oil or oils other than olive oil had been substituted wholly or in part for pure olive oil, which it purported to be; (remainder) in that an oil other than pure olive oil had been substituted wholly or in part for pure olive oil, which it purported to be.

It was alleged to be misbranded: (Portion found at Mahoningtown) in that the statements, (main panel) "Pure Olive Oil Imported Product," (side panel) "This can contains imported olive oil," and (top) "Pure Imported Olive Oil," were false and misleading as applied to oil other than olive oil. (Portion found at Youngstown) in that statements and designs (main panel) "Pure Olive Oil Imported Product [design of olives]" (side panel) "This can contains imported olive oil—guaranteed to be absolutely pure under any chemical analysis [similar statements in Italian and design of olives]," and (top) "Pure Imported Olive Oil" were false and misleading as applied to a substance containing an oil or oils other than olive oil. (Remainder) in that the following statements and designs, (main panel) "Pure Olive Oil Imported Product [design of olives]," (side panel) "This can contains imported olive oil—guaranteed to be absolutely pure under any chemical analysis [similar statements in Italian and design of olives]," and (top) "Pure Imported Olive Oil," were false and misleading as applied to an oil other than olive oil. The product in all shipments was alleged to be misbranded further in that it was offered for sale under the name of another food.

On April 24, 1942, C. P. C. Trading Co., claimant for the seizures at Baltimore, Md., having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration. On June 5 and 18 and July 14, 1942, no claimant having appeared for the remainder of the olive oil, judgments of condemnation were entered and the product was ordered destroyed.

**3613. Misbranding of olive oil. U. S. v. 30 Cases and 45 Cases of Olive Oil. Consent decree of condemnation. Product ordered released under bond to be relabeled.** (F. D. C. No. 6735. Sample No. 23768-E.)

This product was short of the declared volume.

On January 22, 1942, the United States attorney for the District of Nevada filed a libel against 75 cases of olive oil at Reno, Nev., alleging that the article had been shipped in interstate commerce on or about September 6, 1941, by T. H. Eggers Co. from Oroville, Calif.; and charging that it was misbranded. It was labeled in part: "Net Contents 1 Pint [or "Contents 1 Quart"] Mission Del Oro Brand Extra Quality California Olive Oil."

The article was alleged to be misbranded in that the statements "Net Contents 1 Pint" and "Contents 1 Quart" were false and misleading as applied to an article that was short volume; and in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

On May 15, 1942, T. H. Eggers Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be relabeled under the supervision of the Food and Drug Administration.



**3614. Adulteration and misbranding of corn and olive oil. U. S. v. 23 Cans and 44 Cans of Corn Oil and Olive Oil. Default decrees of condemnation. Portion ordered destroyed; remainder ordered delivered to a charitable institution.** (F. D. C. Nos. 6850, 6952. Sample Nos. 84195-E, 84660-E.)

Analysis showed that this product consisted essentially of artificially colored cottonseed oil or corn oil with some cottonseed oil and containing but a small amount of, if any, olive oil. One lot contained an uncertified coal-tar-dye.

On February 13 and March 4, 1942, the United States attorney for the District of New Jersey filed libels against 67 gallon cans of corn and olive oil at New Brunswick, N. J., alleging that the article had been shipped in interstate commerce on or about September 19 and December 19, 1941, by P. (or Pietro) Esposito from New York, N. Y.; and charging that it was adulterated and misbranded. It was labeled in part: "La Gloriosa Brand Composed of Corn Oil and Pure Olive Oil Distributed by Italo Olive Oil Importer New York, New York."

The article was alleged to be adulterated (1) (23 cans) in that artificially colored corn oil with some cottonseed oil and a small amount of olive oil had been substituted in whole or in part for corn oil and pure olive oil; (2) (44 cans) in that artificially colored cottonseed oil containing a small amount of olive oil and little, if any, corn oil had been substituted in whole or in part for corn oil and pure olive oil; (3) (all cans) in that inferiority had been concealed by the addition of artificial color, and in that artificial color had been added to the article so as to make it appear better or of greater value than it was; and (4) (23 cans only) in that it contained a coal-tar color other than one from a batch that had been certified in accordance with regulations as provided by law.

Misbranding was alleged (1) in that statements in the labeling, "Composed of Corn Oil and Pure Olive Oil," were false and misleading; (2) in that the labels contained representations in a foreign language (Italian) and the information required by the act to appear on the label, i. e., a statement of the quantity of the contents and the common or usual name of each ingredient did not appear on the labels in the said foreign language; (3) in that it contained artificial coloring and did not bear labeling stating that fact; and (4) in that it was fabricated from two or more ingredients and the labels did not bear the common or usual name of each ingredient.

On April 29 and May 1, 1942, no claimant having appeared, judgments of condemnation were entered and it was ordered that a portion of the product be destroyed and that the remainder be delivered to a charitable institution.

**3615. Adulteration and misbranding of oil. U. S. v. 59 Cans and 17 Cans of Oil. Default decree of condemnation. Product ordered delivered to a charitable institution.** (F. D. C. No. 6951. Sample Nos. 84658-E, 84659-E.)

This product was artificially flavored and artificially colored cottonseed oil containing little, if any, corn oil and simulating olive oil in appearance and odor.

On March 4, 1942, the United States attorney for the District of New Jersey filed a libel against 76 cans of cottonseed and corn oil at New Brunswick, N. J., alleging that the article had been shipped in interstate commerce on or about October 22, 1941, by the Italo Olive Oil Importer from New York, N. Y.; and charging adulteration and misbranding. It was labeled in part: "Gioiosa Brand Pure Oil" or "Pure Edible Oil Luca Brand."

The article was alleged to be adulterated (1) in that artificially flavored and artificially colored cottonseed oil containing little if any corn oil had been substituted wholly or in part for cottonseed and corn oil, with flavor, which it purported to be; (2) in that inferiority had been concealed by the addition of artificial color and artificial flavor; and (3) in that artificial color and artificial flavor had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was.

It was alleged to be misbranded in that the statement "Cottonseed and corn oil with Flavor," borne on the label, was false and misleading as applied to artificially flavored and artificially colored cottonseed oil containing little, if any, corn oil; (2) in that it was an imitation of another food, namely, corn oil, and it failed to bear in type of uniform size and prominence the word "imitation," and immediately thereafter the name of the food imitated; (3) in that the name and place of business of the distributor, the common or usual name of the food, and the declaration of artificial flavoring and coloring required by the act to appear on the label, were not prominently placed thereon with such conspicuousness as compared with other words, statements, designs, or devices in the labeling as to render them likely to be read by the ordinary individual under customary



conditions of purchase and use; (4) in that the labels contained representations in a foreign language (Italian) and the information required by the act to appear on the label, i. e., the word "imitation," the statement of the quantity of the contents, the common or usual name of each ingredient, and the declaration of artificial flavoring and artificial coloring did not appear thereon in the foreign language; and (5) in that it contained artificial flavoring and artificial coloring but failed to bear labeling stating that fact.

On May 1, 1942, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be delivered to a charitable organization.

**3616. Adulteration and misbranding of olive oil. U. S. v. 18 Cases of Olive Oil. Default decree of condemnation. Product ordered distributed to charitable institutions. (F. D. C. No. 4204. Sample Nos. 56051-E, 56052-E, 56060-E.)**

This product was represented to consist of olive oil but in two of the lots, it consisted of artificially flavored cottonseed oil; and in one lot, of an artificially flavored mixture of peanut and cottonseed oils, all containing little, if any, olive oil. In one lot the label failed to bear the name and place of business of the manufacturer, packer, or distributor.

On April 5, 1941, the United States attorney for the District of Connecticut filed a libel against 18 cases, each containing 6 gallon cans, of olive oil at Torrington, Conn., alleging that the article had been shipped in interstate commerce on or about February 11 and 14, 1941, by Vincenzo Maturo from New York, N. Y.; and charging that it was adulterated and misbranded. It was labeled in part: "Tivoli [or "Eletta"] Brand Pure Imported Olive Oil"; or "Olio di Oliva Vergine Lucca Brand."

The article was alleged to be adulterated (1) in that artificially flavored cottonseed oil in the Tivoli and Eletta brands and an artificially flavored mixture of peanut and cottonseed oil in the Lucca brand, all brands containing little, if any, olive oil, had been substituted wholly or in part for olive oil, which it purported to be; (2) in that inferiority had been concealed by the addition of artificial flavor; and (3) in that artificial flavor had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was.

Misbranding was alleged in that the following statements and designs in the labeling (Tivoli brand) "Pure Imported Olive Oil \* \* \* Tivoli Brand Olive Oil is guaranteed to be one of the finest olive oils. The olive oil contained in this can is pressed from fresh picked ripe and selected olives. It is an absolutely pure product highly recommended for table use and medicinal purposes [similar statements in Italian and a design of olive trees and workers gathering olives]," (Lucca brand) "This olive oil is guaranteed pure \* \* \* Imported Pure Olive Oil [similar statements in Italian and a design of an olive branch and olives]," and (Eletta brand) "Pure Imported Olive Oil \* \* \* Guaranteed absolutely pure olive oil for table and medicinal purposes [similar statements in Italian and designs of olive branches and olives and a shield and crown]," were false and misleading. The articles were alleged to be misbranded further (1) in that they were offered for sale under the name of another article; (2) in that they were imitations of another food, i. e., olive oil, and the labels failed to bear in type of uniform size and prominence the word "imitation" and immediately thereafter the name of the food imitated; and (3) in that they contained artificial flavoring and did not bear labeling stating that fact. The Lucca brand was alleged to be misbranded further in that it was in package form and did not bear a label containing the name and place of business of the manufacturer, packer, or distributor.

On May 6, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered distributed to charitable institutions.

**3617. Adulteration and misbranding of corn oil and olive oil. U. S. v. 14 Cans of Corn Oil and Olive Oil. Default decree of condemnation. Product ordered distributed to charitable institutions. (F. D. C. No. 6737. Sample No. 84853-E.)**

Analysis showed that this product was essentially an artificially flavored and artificially colored corn oil containing little or no olive oil. The odor and flavor resembled those of olive oil.

On or about January 21, 1942, the United States attorney for the District of Connecticut filed a libel against 14 cans of corn and olive oil at New Haven, Conn., alleging that the article had been shipped in interstate commerce on or about December 16, 1941, by Antonio Purificato from New York, N. Y.; and charging



that it was adulterated and misbranded. It was labeled in part: "Corn Oil & Pure Olive Oil Packed by Import Oil Co. New York."

It was alleged to be adulterated in that an artificially flavored and artificially colored corn oil, containing little or no olive oil, had been substituted wholly or in part for corn oil and pure olive oil, which it purported to be; in that inferiority had been concealed by the addition of artificial flavor and artificial color; and in that artificial flavor and artificial color had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was.

It was alleged to be misbranded in that the statement "Corn Oil & Pure Olive Oil" was false and misleading as applied to an artificially flavored and artificially colored corn oil containing little or no olive oil; in that it was an imitation of another food and its label failed to bear, in type of uniform size and prominence, the word "imitation," and immediately thereafter, the name of the food imitated; and in that it contained artificial flavoring and artificial coloring and failed to bear labeling stating that fact.

On May 18, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions, with the proviso for delivery of a portion of this oil to the Food and Drug Administration.

**3618. Adulteration and misbranding of olive oil. U. S. v. 5 Cans, and 9 Cans of Olive Oil. Default decree of condemnation. Product delivered to a charitable institution.** (F. D. C. No. 5294. Sample Nos. 51255-E, 51256-E.)

This product consisted essentially of cottonseed oil containing little, if any, olive oil.

On August 5, 1941, the United States attorney for the District of Vermont filed libels against 14 cans of olive oil at Brattleboro, Vt., alleging that the article had been shipped in interstate commerce on or about April 8, 1941, by Mrs. Annie Simon from Providence, R. I.; and charging that it was adulterated and misbranded. The article was labeled in part: "Contents One Gallon Italia [or "Pulcella"] Brand \* \* \* Olive Oil."

It was alleged to be adulterated in that an article consisting essentially of cottonseed oil containing little, if any, olive oil, had been substituted wholly or in part for olive oil, which it purported to be.

The article was alleged to be misbranded in that the following statements appearing on the labels were false and misleading as applied to an article consisting essentially of cottonseed oil containing little, if any, olive oil: (5 cans) "Italia Supreme Olive Oil Imported Lucca-Italia, \* \* \* The purity of this olive oil is guaranteed under chemical analysis and we recommend it for table and medicinal uses [similar statements in Italian and the design of a crown, shield, gold medals, Italian flag, and olive branches] \* \* \* Imported from Italy"; (9 cans) "Guaranteed Pure Olive Oil Extra Fine Imported Lucca Italy \* \* \* Prodotti Italiani We guarantee our olive oil to be absolutely pure under any chemical analysis—insuperable for table use and excellent for medicinal purposes—Imported From Italy [similar statements in Italian and the design of olive branches]." It was alleged to be misbranded further in that it was offered for sale under the name of another food; and in that it was in package form and did not bear a label containing the name and place of business of the manufacturer, packer, or distributor.

On June 29, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

**3619. Adulteration and misbranding of olive oil. U. S. v. 35 Cans of Olive Oil. Default decree of condemnation. Product ordered delivered to a charitable institution.** (F. D. C. No. 5293. Sample No. 51254-E.)

This product consisted essentially of cottonseed oil containing little, if any, olive oil.

On August 5, 1941, the United States attorney for the District of Vermont filed a libel against 35 cans of olive oil at Brattleboro, Vt., alleging that the article had been shipped in interstate commerce on or about May 1, 1941, by Geo. M. Ziter from Providence, R. I.; and charging that it was adulterated and misbranded. The article was labeled in part: "Contents One Gallon Pulcella Brand Guaranteed Pure Olive Oil."

It was alleged to be adulterated in that an article consisting essentially of cottonseed oil containing little, if any, olive oil, had been substituted wholly or in part for olive oil, which it purported to be.

The article was alleged to be misbranded (1) in that the following statements and designs in the labeling were false and misleading, "Guaranteed Pure



Olive Oil Extra Fine Imported Lucca Italy [design of olive branches] Prodotti Italiani. We guarantee our olive oil to be absolutely pure under any chemical analysis—insuperable for table use and excellent for medicinal purposes, Imported from Italy [and similar statements in Italian]”; (2) in that it was offered for sale under the name of another food; and (3) in that it was in package form and did not bear a label containing the name and place of business of the manufacturer, packer, or distributor.

On June 29, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

**3620. Misbranding of salad dressing. U. S. v. 30 Cases of Salad Dressing. Default decree of condemnation. Product ordered delivered to a local charitable organization. (F. D. C. No. 6740. Sample Nos. 84526-E, 84724-E.)**

Examination showed that this product was French dressing consisting essentially of peanut oil, vinegar, and spices, with little or no olive oil.

On January 20, 1942, the United States attorney for the District of New Jersey filed a libel against 30 cases, each containing 12 6-ounce bottles, of salad dressing at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about November 21 and December 31, 1941, by C. F. Matlage Sales Co. from New York, N. Y.; and charging that it was misbranded. It was labeled in part: (Bottles) “You-All Brand French Salad Dressing.”

The article was alleged to be misbranded (1) in that the statement in the labeling, “Made with imported pure olive oil, the finest salad oil,” was false and misleading as applied to an article containing little or no olive oil; and (2) in that the statement, “Guaranteed to comply with all pure food laws,” was false and misleading in that it was incorrect.

On April 23, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a local charitable organization, after said organization had destroyed the labels.

**3621. Misbranding of oleomargarine. U. S. v. 50 Cases of Oleomargarine. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 6660. Sample No. 54452-E.)**

Examination showed that this product was deficient in fat.

On January 5, 1942, the United States attorney for the Eastern District of Pennsylvania filed a libel against 50 cases, each containing 30 1-pound cartons, of oleomargarine at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about December 11, 1941, by Capital City Products Co. from Columbus, Ohio; and charging that it was misbranded in that it purported to be a food for which a definition and standard of identity had been prescribed by regulations as provided by law, but it failed to conform to such definition and standard since it contained less than 80 percent of fat. The article was labeled in part: “Kingnut Brand Vegetable Oleomargarine.”

On January 23, 1942, Capital City Products Co. having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law under the supervision of the Food and Drug Administration. It was converted into oil.

## SACCHARINE PRODUCTS

### CANDY

**3622. Action to enjoin and restrain distribution in interstate commerce of adulterated candies. U. S. v. G. T. Edwards (G. T. Edwards & Co.). Consent decree granting permanent injunction. (Inj. No. 7.)**

On January 14, 1941, the United States attorney for the Northern District of Georgia filed a complaint against G. T. Edwards, trading as G. T. Edwards & Co. at Atlanta, Ga., alleging that from on or about September 12, 1942, to the date of filing the complaint, the defendant had been manufacturing, packing, and shipping candy under insanitary conditions whereby it might have become contaminated with filth; that the food so prepared and packed consisted in whole or in part of a filthy, putrid, and decomposed substance that was unfit for food and was adulterated in violation of the law; and that the candy so prepared and packed was being offered for interstate shipment. The complaint alleged further that the defendant had failed to remedy the defects existing in his plant and was continually manufacturing and packing adulterated candy; that he would continue to ship such adulterated candy in interstate commerce unless enjoined from doing



so; and prayed that a preliminary injunction issue and that after due proceedings the preliminary injunction be made permanent.

On January 23, 1941, the defendant having consented, a preliminary injunction was granted; and on February 8, 1941, the defendant having admitted the allegations of the complaint and having consented to the entry of a decree, judgment was entered perpetually enjoining and restraining the defendant and anyone acting on his behalf from introducing and delivering for introduction in interstate commerce any candy or other food product that was adulterated within the meaning of the law.

**3623. Action to enjoin and restrain distribution of Slend-R-Form, a misbranded candy. U. S. v. Riley Products, Inc., a corporation, and George C. Riley. Judgment ordering permanent injunction. (Inj. No. 15.)**

On February 2, 1942, the United States attorney for the Northern District of Illinois filed a complaint against Riley Products, Inc., a corporation, and George C. Riley, an officer of said corporation, alleging that the defendants for several months past, and more particularly on or about October 28, 1940, had been introducing and delivering for introduction in interstate commerce, a product consisting of a drug and a food, labeled in part "Slend-R-Form the New Candy," alleging that it was in form and appearance ordinary caramel candy, that it was packed, distributed, and sold by the defendants in cardboard cartons which cartons and smaller cartons contained therein and accompanying circulars had printed thereon statements with reference to its efficacy and the quantity of administration thereof.

The complaint alleged further that the labeling of the article was false and misleading in that it created the impression in the minds of the purchaser that it was a reducing agent and that when consumed in the manner and in the quantity recommended in the labeling, it would be of substantial value in reducing body weight, whereas it contained no ingredients or combination of ingredients capable of producing the effects claimed for it as a reducing agent when consumed in accordance with the directions contained in the labeling.

The complaint alleged further that the defendants, unless restrained by the court, would continue to introduce and deliver for introduction in interstate commerce the said article or a similar article of food or drugs misbranded in the manner aforesaid; and prayed that they be permanently enjoined and restrained from doing so, and that a temporary restraining order and preliminary injunction issue. On the same date, the United States attorney filed a motion for an order to show cause why the defendants should not be enjoined and restrained during the pendency of the action.

On February 6, 1942, the court entered a preliminary injunction against the defendants pursuant to the prayer contained in the complaint.

On April 10, 1942, the cause having been called for a hearing, judgment was entered permanently enjoining and restraining Riley Products, Inc., George C. Riley, their agents, employees, and representatives and all others acting by or under their direction or authority or in active concert or participation with them from introducing or delivering for introduction in interstate commerce, the product labeled in part "Slend-R-Form, the New Candy" or a similar article of food or drug similarly labeled. It was provided further that the United States of America recover the costs of the action.

**3624. Adulteration of candy. U. S. v. American Candy Manufacturing Co. Plea of guilty. Fine, \$100. (F. D. C. No. 4166. Sample Nos. 35107-E, 35538-E, 35539-E, 35692-E, 99024-E to 99026-E, incl.)**

Examination showed that this product was contaminated with rodent hairs, insect fragments, and miscellaneous filth.

On August 25, 1941, the United States attorney for the Southern District of Alabama filed an information against the American Candy Manufacturing Co., Selma, Ala., alleging shipment in interstate commerce within the period from on or about August 5, 1940, to on or about January 15, 1941, from the State of Alabama into the States of Louisiana, Florida, and Mississippi, of quantities of candy that was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Fairfield Candy Sticks," "Quick Seller," or "Mammoth Peanut Bar."

On June 24, 1942, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$100.



**3625. Misbranding of Ayds candy. U. S. v. 73 Packages of Ayds Easy Reducing Plan Candy (and 6 other seizure actions against Ayds candy). Default decrees of condemnation. Portion of product ordered destroyed. Remainder ordered distributed to charitable institutions.** (F. D. C. Nos. 2334, 3162, 3600, 3601, 3670, 3999, 4752. Sample Nos. 15617-E, 27514-E, 29201-E, 29202-E, 33794-E, 35926-E, 35935-E.)

The labeling of this product bore false and misleading representations regarding its efficacy as a reducing agent.

Between July 11, 1940, and May 23, 1941, the United States attorneys for the Eastern District of Arkansas, District of New Jersey, Southern District of Ohio, and the Southern District of Alabama filed libels against 73 packages of Ayds candy at Little Rock, Ark., 37 boxes at Elizabeth, N. J., 160 various sized boxes at Cincinnati, Ohio, and 97 various sized boxes at Mobile, Ala., alleging that the article had been shipped in interstate commerce within the period from on or about May 4 to on or about December 10, 1940, by the Carlay Co., Fuller Laboratories, or Fuller Co. from Chicago, Ill.; and charging that it was misbranded.

The article was alleged to be misbranded in that the name "Ayds," the designs of slender female figures, designs of slender female figures superimposed on obese female figures, a picture entitled "Before," showing obese woman and one entitled "After," showing, presumably, the same individual after having lost 40 pounds, and a poster with picture of a female figure with the words underneath "Now Weighs 130 Lbs. Weighed 160 Lbs.," appearing in the labeling of the various lots, together with statements in circulars accompanying the various shipments, were false and misleading since the said words, designs, pictures and statements created the impression in the mind of the reader that the article, when used as directed and in conjunction with and as a part of the so-called plans referred to in the circulars as No. 1 Plan and No. 2 Plan, would because of its composition and characteristics, be of substantial value in reducing body weight; that it would aid the consumer to reduce pleasantly and without effort; and would aid the consumer to keep the weight down after having reduced to the desired weight and that it would aid the consumer to cut down on the amount of food eaten without feeling pangs of hunger, distress, faintness or debilitation; whereas it would not be efficacious for the purposes suggested.

The article, with the exception of one lot, was also alleged to be misbranded in violation of the provisions of the law applicable to drugs, as reported in D. D. N. J. No. 592.

Within the period from September 20, 1940 to August 19, 1941, no claimant having appeared, judgments of condemnation were entered and those lots located at Cincinnati and Mobile were ordered distributed to various charitable institutions, and the remaining lots were ordered destroyed.

**3626. Adulteration of candy. U. S. v. 25 Boxes, 10 Boxes, and 10 Boxes of Candy. Default decree of condemnation and destruction.** (F. D. C. No. 7546. Sample No. 77208-E.)

This product contained insect fragments and hairs resembling those of rodents.

On or about May 21, 1942, the United States attorney for the District of Delaware filed a libel against 45 boxes of candy at Wilmington, Del., alleging that the article had been shipped in interstate commerce on or about May 12, 1942, by the American Caramel Co. from Lancaster, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: (Boxes) "Cat Birds 80 [or "Ow-Wah 120" or "Kid Gloves 80"] Count."

On June 10, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3627. Adulteration of marshmallows. U. S. v. 21 Cases of Marshmallows. Default decree of condemnation and destruction.** (F. D. C. No. 7139. Sample No. 72774-E.)

This product contained insect fragments and wood slivers.

On April 7, 1942, the United States attorney for the District of Arizona filed a libel against 21 cases, each containing 12 12-ounce cellophane bags, of marshmallows at Tucson, Ariz., alleging that the article had been shipped in interstate commerce on or about January 14 and March 9, 1942, by Anthony Macaroni & Cracker Co., from Los Angeles, Calif.; and charging that it was adulterated (1) in that it consisted in whole or in part of a filthy substance; and (2) in that it was confectionery and contained a nonnutritive substance, wood slivers. The article was labeled in part: "Party Brand 'Softiest' Marshmallows."



On May 11, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3628. Adulteration and misbranding of candy. U. S. v. 50 Cases of Candy. Default decree of condemnation. Product ordered delivered to the county authorities for use as hog feed. (F. D. C. No. 6872. Sample No. 87426-E.)**

Samples of this product were found to contain rodent hairs and insect fragments. It was also short of the declared weight.

On February 18, 1942, the United States attorney for the Southern District of West Virginia filed a libel against 50 cases of candy at Bluefield, W. Va., alleging that the article had been shipped in interstate commerce on or about January 29, 1942, by Armstrong Candy Manufacturing Co. from Martel, Tenn.; and charging that it was adulterated and misbranded. It was variously labeled in part: "Armstrong's Goober Candy Bar," "Three Cheers," "Pink Lady," "Armstrong's Coconut Curls," "Plantation Fudge," "Banana Bits," "Chocolate Log," or "Yum."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

It was alleged to be misbranded in that the statements, "Net Wt. 1½ Ozs.," "Weight 1½ Oz.," "Net Wt. 1½ Ozs.," "Net Weight 1¼ Ozs.," and "Net Wt. 1 Oz.," borne on the labels, were false and misleading as applied to an article weighing less than the statements indicated; and in that it was in package form and did not bear a label containing an accurate statement of the quantity of contents.

On June 16, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to the county authorities for use as hog feed.

**3629. Adulteration and misbranding of candy. U. S. v. 518 Boxes of Candy (and 3 additional seizure actions against candy). Default decrees of condemnation and destruction. (F. D. C. Nos. 6582, 6634, 6717, 6774. Sample Nos. 18606-E, 50360-E, 75829-E, 87279-E.)**

Hair fragments resembling rodent hairs and insect fragments were found in samples taken from these shipments. In one of the lots the bottom layer was found to contain only approximately two-thirds as many pieces of candy as the top layer.

Between December 22, 1941, and January 29, 1942, the United States attorneys for the District of Maryland, Southern District of West Virginia, and the District of Maine filed libels against 420 1-pound boxes, 66 2-pound boxes, and 32 4-pound boxes of candy at Frederick, Md.; 21¾ dozen 1-pound packages, 11 2-pound packages, and 11 4-pound packages at Charleston, W. Va.; and 102 1-pound boxes and 10 cartons each containing 24 pound boxes, of candy at Biddeford, Maine, alleging that the article had been shipped in interstate commerce within the period from on or about December 3, 1941, to on or about January 13, 1942, by the Boston Candy Co. from Boston, Mass.; and charging that it was adulterated and misbranded. The article was labeled in part: (Box) "Town Hall \* \* \* Chocolates Manufactured by Fulton Candy Company, Boston, Mass.;" or "Copley Assortment \* \* \* Manufactured By Boston Candy Company."

The article in all lots was alleged to be adulterated in that it consisted in whole or in part of a filthy substance. The "Copley Assortment" was alleged to be adulterated further in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

The lot of Town Hall chocolates located at Charleston, W. Va., was alleged to be misbranded in that their containers were so made, formed, or filled as to be misleading.

Between January 17 and February 10, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**3630. Adulteration of candy. U. S. v. 82 Boxes of Candy. Default decree of condemnation and destruction. (F. D. C. No. 6881. Sample No. 90367-E.)**

This product contained hair fragments resembling those of rodents.

On February 17, 1942, the United States attorney for the District of Rhode Island filed a libel against the following amounts of candy at Providence, R. I.—12 12-ounce boxes, 16 half-pound boxes, 45 1-pound boxes, and 9 2-pound boxes, alleging that the article had been shipped in interstate commerce on or about January 20, 1942, by the W. H. Cole Chocolate Co. from Boston, Mass.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions



whereby it might have become contaminated with filth. The article was labeled in part: "Colecrest Chocolates."

On April 22, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3631. Adulteration of candy. U. S. v. 49 Boxes, 49 Boxes, 32 Boxes, and 32 Boxes of Candy. Default decrees of condemnation and destruction. (F. D. C. Nos. 7078, 7447. Sample Nos. 48401-E, 48429-E, 48430-E.)**

Examination showed that this product contained insect fragments and hair fragments resembling rodent hairs.

On or about March 26 and May 8, 1942, the United States attorneys for the Eastern and the Western Districts of South Carolina filed libels against 49 boxes each containing 40 bars and 49 boxes each containing 60 bars of candy at Hemingway, and 64 boxes each containing 36 bars of candy at Anderson S. C., alleging that the article had been shipped in interstate commerce on or about March 9 and April 18 and 22, 1942, by the Cooper Candy Co. from Atlanta, Ga.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: (Bars) "Big Chief."

On May 15 and June 9, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**3632. Adulteration of candy. U. S. v. 34 Boxes of Butter Creams. Default decree of condemnation and destruction. (F. D. C. No. 7414. Sample No. 59881-E.)**

This product contained rodent hair fragments.

On April 29, 1942, the United States attorney for the District of Maryland filed a libel against 34 boxes of candy at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about April 3, 1942, by Eastern Candy Co. from Philadelphia, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "72 Count Butter Creams."

On June 9, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3633. Adulteration of candy. U. S. v. 51 Boxes and 19 Boxes of Candy. Default decree of condemnation and destruction. (F. D. C. No. 7161. Sample No. 70452-E.)**

This product contained insect fragments and hairs resembling those of rodents.

On April 10, 1942, the United States attorney for the Eastern District of South Carolina filed a libel against 51 boxes of assorted candy and 19 boxes of assorted candy bars at Columbia, S. C., alleging that the article had been shipped in interstate commerce on or about February 26 and March 2 and 23, 1942, by Empire State Candy Co. from Athens, Ga.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. A portion of the article was labeled in part: (19 boxes) "Jackpot Assortment."

On May 15, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. Subsequently the product was disposed of by feeding to hogs.

**3634. Adulteration of candy. U. S. v. 9 Boxes of Candy Corn. Default decree of condemnation and destruction. (F. D. C. No. 7328. Sample No. 85492-E.)**

This product contained hairs resembling those of rodents.

On April 13, 1942, the United States attorney for the District of Oregon filed a libel against 9 35-pound boxes of candy at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about March 18, 1942, by Herman Goelitz from Oakland, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On May 11, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.



**3635. Adulteration of candy. U. S. v. 16 Boxes, 24 Boxes, and 10 Boxes of Candy. Default decree of condemnation and destruction.** (F. D. C. No. 6931. Sample Nos. 71479-E to 71481-E, incl.)

All lots of this product contained rodent hairs and a portion also contained insect fragments and larvae.

On February 25, 1942, the United States attorney for the Eastern District of Illinois filed a libel against 50 boxes of candy at Scott Field, Ill., alleging that the article had been shipped in interstate commerce on or about January 21, 1942, by the Jack Rabbit Candy Co. from St. Louis, Mo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance; and in that had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: (Boxes) "24 Pcs. 5c Peanut [or "Ko-Pe" or "Horehound"] Bars."

On May 2, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3636. Adulteration of candy. U. S. v. 5½ Cases, 3 Boxes, 4 Boxes, and 55 Boxes of Candy. Default decrees of condemnation and destruction.** (F. D. C. Nos. 7481, 7526, 7532. Sample Nos. 1153-E, 59891-E, 87798-E.)

Examination showed that this product was contaminated with filth, such as rodent hairs, insects, insect fragments, and larvae.

On May 8, 18, and 19, 1942, the United States attorneys for the District of Maryland and the District of Columbia filed libels against 55 1-pound boxes and 5½ cases, each full case containing 24 1-pound boxes, of candy at Baltimore, Md., and 7 5-pound boxes of candy at Washington, D. C., alleging that the article had been shipped in interstate commerce on or about March 7 and April 27, 1942, by Jane Louise Candies, Inc., from Lancaster, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: (Boxes) "Ye Olde Colonial Assorted Chocolates," "Peanuts," "Molasses Chips," or "Lady Jane Chocolates."

On June 10, 16, and 24, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**3637. Adulteration of candy. U. S. v. 19 Boxes and 9 Boxes of Candy (and 2 other seizure actions against candy). Decrees of condemnation and destruction.** (F. D. C. Nos. 7533, 7534, 7550. Sample Nos. 89543-E, 98121-E to 98124-E, incl.)

Examination showed that this product contained insect fragments and hair fragments resembling those of rodents.

On May 22 and 25, 1942, the United States attorney for the District of Maine and the Eastern District of New York filed libels against 28 boxes of candy at Bangor and 38 boxes of candy at Lewiston, Maine, and 654 boxes of candy at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about April 29 and May 1 and 2, 1942, by Shaghalian's, Inc., from Boston, Mass.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Chocolate Peanut Cluster"; "Chocolate Shots Peppermint"; "Chocolate Cocanut Croquettes"; "Chocolate Covered Peanuts"; "Lady Anne Assorted Milk Chocolates"; or "Miniaturette Petit Chocolates."

In June, 1942, Shaghalian's, Inc., claimant for the candy seized at Bangor and Lewiston, Maine, having consented to the entry of decrees, and on June 26, 1942, no claimant having appeared for the remainder of the candy, judgments of condemnation were entered and the product was ordered destroyed.

**3638. Adulteration of candy. U. S. v. 46 Boxes of Candy. Default decree of condemnation and destruction.** (F. D. C. No. 7463. Sample No. 70363-E.)

This product contained hairs resembling those of rodents.

On May 6, 1942, the United States attorney for the Northern District of Georgia filed a libel against 46 boxes of candy at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about April 14, 1942, by York Cone Co. from York, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: (Boxes) "80 Count York Malted Milk Flavored Wafers Munchies."



On June 3, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. Subsequently the product was delivered to a Federal institution to be used as hog feed.

**3639. Misbranding of rock candy crystals. U. S. v. 54 Boxes of Rock Candy Crystals. Default decree of condemnation. Product distributed to charitable institutions. (F. D. C. No. 6323. Sample No. 49823-E.)**

Examination showed that this product consisted of coarse sucrose crystals, which occupied on an average about 62 percent of the capacity of the container.

On December 2, 1941, the United States attorney for the Western District of Louisiana filed a libel against 54 boxes, each containing 24 packages, of rock candy crystals at Shreveport, La., alleging that the article had been shipped in interstate commerce on or about October 30 and November 3, 1941, by Martin Candy Co. from Dallas, Tex.; and charging that it was misbranded.

The article was alleged to be misbranded in that its container was so made and filled as to be misleading, since the packages were too large for the amount of crystals they contained and the crystals did not occupy a reasonable amount of the available space.

It also was alleged to be misbranded under the provisions of the law applicable to drugs, as reported in D. D. N. J. No. 638.

On February 16, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered disposed of as provided by law. It was distributed to charitable institutions.

**MISCELLANEOUS**

**3640. Adulteration of sugar. U. S. v. 250 Bags of Sugar. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 6817. Sample 79170-E.)**

This product had been stored under insanitary conditions after shipment and when examined was found to be contaminated with rodent excreta and urine resulting from such storage conditions.

On March 7, 1942, the United States attorney for the Eastern District of Tennessee filed a libel against 250 100-pound bags of sugar at Martel, Tenn., alleging that the article had been shipped in interstate commerce on or about May 11, 1941, from New Orleans, La.; that it was in possession of the Armstrong Candy Manufacturing Co., Martel, Tenn.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been held under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Godchaux's Pure Can Sugar."

On April 8, 1942, the Armstrong Candy Manufacturing Co., Martel, Tenn., having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be brought into compliance with the law under the supervision of the Food and Drug Administration. The product was returned to the refinery for re-refining.

**3641. Adulteration and misbranding of sirup. U. S. v. 49½ Dozen Jars of Sirup. Default decree of condemnation and destruction. (F. D. C. No. 6698. Sample No. 30488-E.)**

This product was labeled to indicate that it consisted of cane and maple sirups, whereas it contained a large proportion of glucose and was artificially flavored and artificially colored. It was also short of the declared volume.

On January 12, 1942, the United States attorney for the Eastern District of Michigan filed a libel against 49½ dozen jars of sirup at Detroit, Mich., alleging that the article had been shipped in interstate commerce on or about December 13, 1941, by the Tournaline Food Products, Inc., from Chicago, Ill.; and charging that it was adulterated and misbranded. The article was labeled in part: "Click Waffle & Pancake Syrup Contents 11 Fl. Oz. Contains Cane and Maple Syrups."

The article was alleged to be adulterated in that an artificially flavored and artificially colored substance containing a material proportion of glucose had been substituted for cane and maple sirups, which it purported to be.

It was alleged to be misbranded (1) in that the statements on the label, "Contains Cane and Maple Syrups" and "Contents 11 Fl. Oz.," were false and misleading when applied to an artificially flavored and artificially colored substance containing a material proportion of glucose and which was short volume; (2) in that it was an imitation of another food; (3) in that it was in package form and its label did not bear an accurate statement of the quantity of the contents; and (4) in that it was fabricated from two or more ingredients and its label did not bear the common or usual name of each ingredient.



On February 5, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

## FOODS FOR SPECIAL DIETARY USE

### VITAMIN PREPARATIONS

**3642. Adulteration and misbranding of Dean's Vitamin Concentrate Capsules. U. S. v. 8 Dozen Retail Cartons of Dean's Vitamin Concentrate Capsules. Default decree of condemnation and destruction. (F. D. C. No. 5962. Sample No. 42956-E.)**

This product was labeled as containing 1,000 units of vitamin D per capsule and was also labeled to indicate that it contained a substantial amount of vitamin G (B<sub>2</sub>); whereas it contained not more than 800 units of vitamin D and but an inconsequential amount of vitamin G (B<sub>2</sub>), namely, approximately one-eightieth the minimum daily requirement.

On October 7, 1941, the United States attorney for the Western District of Pennsylvania filed a libel against 8 dozen cartons, each containing 25 dozen capsules, of the above-named product at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about April 18, 1941, by Purity Drug Co., Inc., from Passaic, N. J.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that a valuable constituent, namely, vitamin D, had been in whole or in part omitted or abstracted therefrom. It was alleged to be misbranded in that the statements, "Each Capsule Contains Not Less Than \* \* \* Vitamin D 1,000 units \* \* \* Vitamin Concentrate Capsules containing vitamins \* \* \* G (B<sub>2</sub>)," were false and misleading when applied to an article containing less than 1,000 units of vitamin D and but an inconsequential amount of riboflavin (vitamin G or B<sub>2</sub>).

It was also alleged to be adulterated and misbranded under the provisions of the law applicable to drugs, as reported in D. D. N. J. No. 627.

On November 25, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3643. Adulteration and misbranding of vitamin tablets. U. S. v. 27,500 Vitamin Tablets. Default decree of condemnation and destruction. (F. D. C. No. 7054. Sample No. 30494-E.)**

This product was represented to contain 625 units of vitamin D per tablet but contained not more than 470 units of vitamin D per tablet.

On March 18, 1942, the United States attorney for the Eastern District of Michigan filed a libel against 27,500 vitamin tablets at Detroit, Mich., alleging that the article had been shipped in interstate commerce on or about January 5, 1942, by Strong, Cobb & Co., Inc. from Cleveland, Ohio; and charging that it was adulterated and misbranded. It was labeled in part: "Vitamin A & D Tablets."

The article was alleged to be adulterated in that a valuable constituent, namely, vitamin D, had been wholly or in part omitted or abstracted therefrom.

It was alleged to be misbranded in that statements on the label pertaining to its vitamin D content, "Active Ingredients Only—Per Tablet Vitamin D (Vios-terol) 625 Units Each Tablet Contains The Equivalent of Two Teaspoonfuls Cod Liver Oil Minimum USP Strength in Vitamin Potency," were false as applied to an article that contained not more than 470 U. S. P. units of vitamin D per tablet.

The article was also charged to be adulterated and misbranded in violation of the provisions of the law applicable to drugs as reported in D. D. N. J. No. 724.

On May 5, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3644. Misbranding of Hi-V Vitamins capsules. U. S. v. 48 Dozen and 24 Dozen Cartons of Hi-V Vitamins. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 6927. Sample No. 87506-E.)**

The labeling of this product bore false and misleading claims regarding its efficacy to restore and maintain health and prevent or correct disease conditions, and represented that it contained all the vitamins essential in normal nutrition; but it did not contain riboflavin or nicotinic acid, two substances whose absence from the diet may be the cause of vitamin deficiency diseases.

On February 25, 1942, the United States attorney for the District of Maryland filed a libel against 72 dozen cartons of Hi-V Vitamins at Baltimore, Md., alleging that the article had been shipped on or about January 19, 1942, by the Hi-V



Vitamin Corporation from New York, N. Y.; and charging that it was misbranded. It was labeled in part: "6250 U. S. P. Units Vitamin A (from fish liver oils) 350 Int. Units Vitamin B<sub>1</sub> (Thiamin chloride) 300 U. S. P. Units Vitamin C (Ascorbic acid) 625 U. S. P. Units Vitamin D (Irradiated Ergosterol)."

The article was alleged to be misbranded in that statements in an accompanying circular entitled "What You should know about Vitamins," representing, suggesting, and creating in the mind of the reader the impression that health could be assured by its consumption; that the average individual requires vitamin supplements of the type that it supplied in order to obtain maximum health; that the average individual is likely to be suffering from lack of vitality, lack of energy, poor appetite, and impaired digestion because of inadequate vitamin intake from his food; that its consumption as directed, in the majority of cases, would prevent or correct the disease conditions resulting from inadequate vitamin intake; and that it contained all the vitamins essential in normal nutrition, were false and misleading since it would not fulfill the promises implied and it did not contain riboflavin or nicotinic acid, two vitamins essential in normal nutrition.

It also was alleged to be misbranded under the provisions of the law applicable to drugs, as reported in D. D. N. J. No. 691.

On March 26, 1942, the Hi-V Vitamin Corporation having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled. On the same date the product was relabeled by removal from the carton of the circular entitled "What You should know about Vitamins."

**3645. Misbranding of Quaker Puffed Wheat Sparkies. U. S. v. 154 Cases of Quaker Puffed Wheat Sparkies. Default decree of condemnation. Product ordered delivered to a Federal institution. (F. D. C. No. 4966. Sample No. 47829-E.)**

This product was falsely labeled regarding its vitamin content and its therapeutic qualities.

On June 23, 1941, the United States attorney for the Eastern District of Michigan filed a libel against 154 cases, each containing 24 4-ounce packages, of Quaker Puffed Wheat Sparkies at Detroit, Mich., alleging that the article had been shipped by the Quaker Oats Co. from Cedar Rapids, Iowa, on or about March 18, 1941; and charging that it was misbranded. It was labeled in part: (Box label) "The 'Vitamin Rain' Breakfast Food."

The article was alleged to be misbranded in that designs, devices, and statements in the labeling were false and misleading since they created the impression that it contained vitamins A, B<sub>1</sub>, C, D, and G in consequential amounts, and that it would be effective in preventing colds and infections, in producing healthy nerves, normal growth, good teeth, strong bones, and other desirable attributes; whereas it contained no vitamins A or C and only inconsequential amounts of vitamins B<sub>1</sub> and G, and it would not be effective in preventing colds and infections, nor in producing healthy nerves, normal growth, good teeth, strong bones, and other desirable attributes.

It was also alleged to be misbranded under the provisions of the law applicable to drugs, as reported in D. D. N. J. No. 580.

On December 3, 1941, no claimaint having appeared, judgment of condemnation was entered and the product was ordered delivered to a nearby Federal institution.

**3646. Misbranding of wheat germ. U. S. v. 9 $\frac{5}{6}$  Cases of Golden Harvest Wheat Germ. Default decree of condemnation and destruction. (F. D. C. No. 7059. Sample No. 76377-E.)**

The label of this product contained misleading claims, as explained hereinafter.

On or about March 23, 1942, the United States attorney for the Northern District of Iowa filed a libel against 9 $\frac{5}{6}$  cases, each containing 12 8-ounce cans, of Golden Harvest Wheat Germ at Sioux City, Iowa, which had been consigned by the Wheat Products Co., alleging that the article had been shipped on or about February 23, 1942, from Omaha, Nebr.; and charging that it was misbranded.

The article was alleged to be misbranded in that the following statements appearing on the label, "One of Nature's richest sources of B-1, E and G the Vitamins necessary for normal Health and Growth. Vitamin B-1 promotes nervous stability—intestinal regularity—digestion and stimulates the appetite. Also vital to pregnant and nursing mothers. Vitamin E is thought to increase the mineral nutrition to the muscular and nervous tissues. Vitamin G is necessary to growth and development. It promotes \* \* \* vitality. Vitamin



A promotes a feeling of well being and is essential in the resistance to infection, notably of Eyes, Lungs, Tonsils, Sinuses and Intestinal Tract. \* \* \* Wheat Germ contain organic calcium, phosphorus and iron so necessary for rich blood, strong teeth and bones. This combination of vitamins and minerals helps build vital resistance," were misleading since it would not accomplish the results nor fulfill the promises of benefit represented or suggested.

On April 10, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

#### MISCELLANEOUS

**3647. Misbranding of papaya sirup. U. S. v. 243 Dozen Bottles and 46 Dozen Bottles of Tropical's Original Papaya Syrup. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 4857. Sample No. 62052-E.)**

The labeling of this product contained false and misleading health claims.

On June 10, 1941, the United States attorney for the Northern District of Illinois filed a libel against 289 dozen bottles of papaya sirup at Chicago, Ill., alleging that the article had been shipped on or about February 25, 1941, by Tropical Fruit Products from St. Louis, Mo.; and charging that it was misbranded.

The article was alleged to be misbranded in that representations in the labeling that it would supply energy food which could be easily absorbed; that it would promote health and build energy, thus making one feel more alive and full of pep; that it would reduce the absorption of poisonous toxins and stomach distress; that it was an alkalizer and body builder; that it would prevent kidney, liver, and stomach diseases and keep the skin clear; that it was an appropriate treatment for anemia, gastritis, indigestion, constipation, arthritis, rheumatism, ulcers, colitis, sinusitis, influenza, colds, dysentery and obesity; and that it would increase the stature of children, were false and misleading since it would not be efficacious for such purposes.

It also was alleged to be misbranded under the provisions of the law applicable to drugs, as reported in D. D. N. J. No. 636.

On June 24, 1941, C. O. Pinkard, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled under the supervision of the Food and Drug Administration.

**3648. Adulteration and misbranding of Cal-Par. U. S. v. 26 Dozen Packages and 6 Dozen Packages of Cal-Par with circulars entitled "Dr. Parrish's 7 Day Reducing Plan" and display cards entitled "Lose Fat." Default decree of condemnation and destruction. (F. D. C. No. 5237. Sample No. 61018-E.)**

This product, which consisted of wheat germ, wheat bran, crystalline material, and wheat flour, was found to contain less than 50 percent of the amount of phosphorus claimed. Its labeling also bore false and misleading claims regarding its value as a weight reducer and as a treatment for various diseases and disease conditions.

On or about August 12, 1941, the United States attorney for the Western District of Washington filed a libel against 26 dozen 7-ounce packages and 6 dozen 16-ounce packages of Cal-Par, together with all circulars entitled "Dr. Parrish's 7 Day Reducing Plan" and all display cards entitled "Lose Fat" at Seattle, Wash., alleging that the article had been shipped by Hood Products Corporation from New York, N. Y., on May 10 and 14, 1941; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that a valuable constituent, namely, phosphorus, had been in whole or in part omitted therefrom.

The article was alleged to be misbranded in that representations in the labeling that it would supply the average person's daily needs of phosphorus; that it would build strong teeth, sturdy bones, firm flesh, pliant muscles, and efficient brain cells; that it was an aid for underweight and for reducing overweight; that it would protect the user against nervousness, tiredness, sleeplessness, and lack of pep and vigor; that it would prevent heart trouble, nervous disorders, kidney complaints, liver ailments, digestive upsets, eye afflictions, and many other ailments due to the lack of certain vitamins and minerals; that it would aid in maintaining the acid-base equilibrium of the blood; that it would furnish nourishment to nerves and the brain; that it constituted an adequate treatment in anemia conditions, run-down conditions, and sinus trouble; and would relieve the pains of arthritis and rheumatism, were false and misleading since it would not be efficacious for such purposes.



It also was alleged to be adulterated and misbranded under the provisions of the law applicable to drugs, as reported in D. D. N. J. No. 677.

On December 30, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

### MISCELLANEOUS

**3649. Adulteration of chocolate coating. U. S. v. 58 Cases, 20 Cases, and 91 Cases of Chocolate Coating. Consent decree of condemnation. Product ordered released under bond to be reconditioned. (F. D. C. No. 4928. Sample Nos. 61015-E to 61017-E, incl.)**

The warehouse in which this product had been stored after shipment was rodent-infested, and rodents had chewed through the wrappers of a number of slabs of the coating.

On June 25, 1941, the United States attorney for the Western District of Washington filed a libel against 169 50-pound cases of chocolate coating at Seattle, Wash., alleging that the article had been shipped within the period from on or about July 14, 1939, to on or about February 26, 1941, that it was in possession of the Parisian Candy Co., at Seattle, Wash.; and charging that it was adulterated in that it had been held under insanitary conditions whereby it might have become contaminated with filth.

On July 17, 1941, Joseph Vinikow, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be reconditioned under the supervision of the Food and Drug Administration for purposes of human consumption. The edges of slabs showing possible contamination by rodents were trimmed and each slab was wrapped in clean paper. Badly damaged slabs were entirely discarded and soaked with stove oil.

**3650. Adulteration of dried red peppers. U. S. v. 858 Bags of Dried Red Peppers. Consent decree of condemnation. Product ordered released under bond to be restored to a merchantable condition. (F. D. C. No. 6603. Sample No. 66780-E.)**

Examination showed that this product contained rodent pellets, insects, and insect larvae, and that it was decomposed, as evidenced by the presence of mold.

On or about January 6, 1942, the United States attorney for the Northern District of Illinois filed a libel against 858 30-pound bags of dried red peppers at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about September 22, 1941, by Evangeline Pepper & Food Prod. from St. Martinville, La.; and charging that it was adulterated in that it consisted in whole or in part of a filthy and decomposed substance, and in that it had been prepared, packed, or held under insanitary conditions whereby it might have become contaminated with filth.

On February 3, 1942, Leo J. Bulliard, claimant, having admitted, for the purposes of the proceedings only, the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be restored to a merchantable condition under the supervision of the Food and Drug Administration. The objectionable portions of the product were destroyed.



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## PRODUCTS

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Bakery products.....	3448-3452	Peanuts.....	3600
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<sup>1</sup> Permanent injunction issued.

<sup>2</sup> Nos. 3622 and 3623 report issuance of permanent injunctions.

<sup>3</sup> No. 3508 contains an opinion of the court.



## SHIPPERS AND PROCESSORS

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American Candy Manufacturing Co.:		Cooper Candy Co.:	
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American Pistachio Corporation:		C. P. C. Trading Co.:	
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Anthony Macaroni & Cracker Co.:		Crampton Canneries, Inc.:	
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Anthony Pure Milk Co.:		Crescent Flour Mills:	
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Armour Creameries:		Cudahy Packing Co.:	
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Atlantic Fish & Oyster Co.:		butter.....	3474
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Blue Grass Cooperative Creamery:		beans, canned frijole.....	3539
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Blue Ribbon Creamery:		corn meal.....	3442
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Bohle Creamery Co.:		candy.....	3632
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Borden Co.:		peas, canned.....	3542
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Borders Pure Milk Co.:		Edwards, G. T., & Co.:	
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Boston Candy Co.:		Eelbeck Milling Co.:	
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Bradbury Produce:		Eggers, T. H., & Co.:	
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Brooklawn Creamery Co.:		Ellis Pecan Co.:	
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Brough Canning Corporation:		Ellsworth, Frank, Co.:	
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Bruce's Food Products Co.:		Empire State Candy Co.:	
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<sup>1</sup> Permanent injunction issued.<sup>4</sup> Contains an opinion of the court.



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<sup>1</sup> Permanent injunction issued.



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Reeves Parvin & Co.:		Sunnette Cheese Corporation:	
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Richardson, Albert:		Suppiger, G. S., Co.:	
walnuts and hickory nuts.....	3607	tomato catsup.....	3553
Richlow Manufacturing Co. <i>See</i> Low, J. E.		Surety Sales Co.:	
Rider, Kenneth N., Co.:		tomato soup.....	3570
tomato puree.....	3563	Swift & Co.:	
Riley, G. C. <i>See</i> Riley Products, Inc.		poultry.....	3591
Riley Products, Inc.:		Tescott Cheese Co.:	
Slend-R-Form.....	1 3623	Cheddar cheese.....	3501
Robertson, C. C.:		Thomas & Clarke:	
pecans.....	3599	cookies.....	3451
Robertson, J. T. <i>See</i> Rogol Distributors,		Tolibia Cheese Corporation:	
Inc.		cheese.....	3499
Robertson Peanut Co.:		Tourlaine Food Products, Inc.:	
peanut butter.....	3609	cane and maple sirup.....	3641
Roddenbery Bros.:		Tri-State Butter Co.:	
sweet relish.....	3575	butter.....	3455
Rogol Distributors, Inc.:		Tropical Fruit Products:	
egg yolk, dried.....	3505	papaya sirup.....	3647
Roma Oil Packing Co.:		Union Fish Co.:	
olive oil.....	3611	shrimp, frozen.....	3519
Rosaly Products:		Urevig, E. M.:	
grape juice drink.....	3427	Cheddar cheese.....	3495
Rosen Products, Inc.:		Vagim Packing Co.:	
grape juice drink.....	3427	peaches, evaporated.....	3581
Rosenberg Bros. & Co.:		Valley Canning Co.:	
apples, evaporated.....	3577	beans, canned frijole.....	3539
peaches, dried.....	3580	Wallace, H. and H. M. <i>See</i> Gulf Crabmeat	
Rossville Packing Co.:		Co.	
corn, canned.....	3541	Warren Dried Fruit Co.:	
Royal Canning Co. <i>See</i> Royal Canning Cor-		prunes.....	3586
poration.		Washington Packers, Inc.:	
Royal Canning Corporation:		blackberries, canned.....	3532
tomato puree.....	3564, 3565	cherries, canned.....	3534
Ruff, E. G.:		huckleberries, canned.....	3536
corn, canned.....	3540	Webster Creamery Co.:	
Safeway Stores, Inc.:		butter.....	3494
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tomato paste.....	3557	prunes.....	3585
St. Louis Independent Packing Co.:			
butter.....	3491		

<sup>1</sup> Permanent injunction issued.



Western Oregon Packing Corp.:	N. J. N9.	Wilson Wholesale Grocery Co.:	N. J. No.
cherries, canned.....	3531	peaches, evaporated.....	3581
Whatcom County Dairy Assoc.:		Wyatt Nut Co.:	
milk, condensed.....	3504	black walnut meats.....	3606
Wheat Products Co.:		York Cone Co.:	
wheat germ.....	3646	candy.....	3638
White Mountain Creamery Co.:		Ziter, G. M.:	
butter.....	3456	olive oil.....	3619



